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## Chapter 21.70 – Definitions

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### Sections:

21.70.010 – Purpose of Part

21.70.020 – Definitions of Specialized Terms and Phrases

### 21.70.010 – Purpose of Part

This part provides definitions of terms and phrases used in this Implementation Plan that are technical or specialized, or that may not reflect common usage. If the definitions in this part conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Implementation Plan. If a word is not defined in this part, or elsewhere in this Implementation Plan, the most common dictionary definition is presumed to be correct.

As used in this Implementation Plan, the following terms and phrases shall have the meaning ascribed to them in this part, unless the context in which they are used clearly requires otherwise.

### 21.70.020 – Definitions of Specialized Terms and Phrases

#### A. “A” Definitions

**“Abandon”** means to cease or suspend from developing or maintaining a structure or use for a stated period of time.

**ABC.** See “Alcoholic Beverage Control (ABC).”

**“Abutting/adjoining”** means contiguous to, having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street). See “Adjacent.”

**“Access”** means a safe, adequate, and usable way of approaching or entering a property or use, including ingress (the right to enter) and egress (the right to exit).

**Accessory Dwelling Unit (Land Use).** See “Dwelling unit, senior accessory.”

**Accessory Structure (Land Use).**

1. **“Nonresidential accessory structure”** means an attached or detached structure that is a part of, and clearly incidental and secondary to, a nonresidential structure and that does not change the character of the nonresidential structure. Illustrative examples of these structures include:

- a. Decks.
- b. Fences.

- c. Garages.
  - d. Gazebos.
  - e. Kiosks and carts for selling beverages, food, clothing, phones, toys, etc.
  - f. Outdoor fireplaces.
  - g. Outdoor kitchens.
  - h. Outdoor play equipment.
  - i. Patios.
  - j. Platforms.
  - k. Porches.
  - l. Refuse collection structures/trash enclosures.
  - m. Spas and hot tubs.
  - n. Storage or work sheds.
  - o. Swimming pools.
  - p. Tennis and other on-site sport courts.
  - q. Terraces.
  - r. Walls.
  - s. Workshops.
2. **“Residential accessory structure”** means an attached or detached structure that is a part of, and clearly incidental and secondary to, a residence and that does not change the character of the residential structure. Does not include granny units (see “Accessory dwelling unit”). Illustrative examples of these structures include:
- a. Carports.
  - b. Decks.
  - c. Fences.
  - d. Fireplaces and fire pits.
  - e. Garages.
  - f. Gazebos.
  - g. Greenhouses (noncommercial).
  - h. Outdoor play equipment.
  - i. Patios.
  - j. Platforms.
  - k. Porches.
  - l. Spas and hot tubs.
  - m. Storage or work sheds.
  - n. Studios.
  - o. Swimming pools.
  - p. Tennis and other on-site sport courts.
  - q. Terraces.
  - r. Walls.
  - s. Workshops.

### **Accessory Use (Land Use).**

1. **“Nonresidential accessory use”** means a use that is at all times a part of, and clearly incidental and secondary to, a principal use; that does not change the character of the nonresidential use; and that does not necessitate an increase in required number of parking spaces. Includes the retail sales of various products or the provision of services in

a defined area that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers, and that is typically not visible from public streets. Does not include accessory alcohol sales, off-sale or on-sale (see “Alcohol sales”). Illustrative examples of these uses include:

- a. ATMs.
- b. Child day care.
- c. Dry cleaning (collection/pick-up only).
- d. Food service establishments.
- e. Gift shops.
- f. Newsstands.
- g. Pharmacies.
- h. Travel services.
- i. Vending machines.
- j. Personal service, general.

2. **“Residential accessory use”** means a use that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use. Illustrative examples of these uses include:

- a. Home occupations.
- b. Personal property sales (i.e., garage or yard sales).

**“Accretion”** means enlargement of a beach area caused by either natural or artificial means. Natural accretion on a beach is the build-up or deposition of sand or sediments by water or wind. Artificial accretion is a similar build-up due to human activity, such as the accretion due to the construction of a groin or breakwater, or beach fill deposited by mechanical means.

**“Adjacent”** means the condition of being near to, or close to, but not having a common boundary or dividing line. Properties that are separated by a public access easement, alley, public or private right-of-way, street (other than arterial highways or commuter roadways identified in the Circulation Element of the General Plan), or by a creek, river, stream, or other natural or artificial waterway shall be considered as adjacent to one another. See “Abutting/adjoining.”

**Adjoining.** See “Abutting/adjoining.”

**Adult Day Care (Land Use).** See “Day care.”

**Adult-Oriented Businesses (Land Use)** means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio, adult motel/hotel; any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by State law. A business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting,

describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

1. The area devoted to adult merchandise and/or sexually oriented material exceeds more than twenty-five (25) percent of the total display or floor space area open to the public;
2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least four times in any month;
3. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical parts.

**“Affordable housing agreement”** means an agreement entered into between the City and a developer that restricts the rental or sale of affordable units to very low-income, low-income, and/or moderate-income households. See “Very low-income household,” “Low-income household,” and “Moderate-income household.”

**“Agent”** means a person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Council, regarding matters regulated by this Implementation Plan.

**“Aggrieved Person”** means anyone who, in person or through a representative, appeared at a public hearing held before the Zoning Administrator, Planning Commission, or Council in connection with the decision or action appealed, or who by other appropriate means prior to a hearing, informed the City of the nature of their concerns or who for good cause was unable to do either (Public Resources Code Section 30801).

**“Alcohol sales, off-sale (land use)”** means an establishment that sells, serves, or gives away alcoholic beverages for consumption off the premises and that is applying for or has obtained an ABC License Type 20 (off-sale beer and wine—package store) or License Type 21 (off-sale general—package store). The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee. Does not include an establishment that sells alcoholic beverages as an accessory line of merchandise. See “Alcohol sales, off-sale, accessory only.”

**“Alcohol sales, off-sale, accessory only (land use)”** means an establishment that has all of the following characteristics:

1. Alcoholic beverages will be or are sold, served, or given away for consumption off the premises where sold, served, or given away;
2. The establishment is applying for or has obtained an ABC License Type 20 (off-sale beer and wine—package store) or License Type 21 (off-sale general—package store); and
3. The sale of alcoholic beverages is accessory to the retail sale of food products and the display area for alcoholic beverages does not exceed thirty (30) percent of the net floor

area of the use. Illustrative examples include convenience markets, drug stores, grocery stores, and supermarkets, but do not include convenience markets.

**“Alcohol sales, on-sale”** means an establishment that sells, serves, or gives away alcoholic beverages for consumption on the premises and that is applying for or has obtained any ABC Licenses for on-site consumption. The establishment shall include any immediately adjacent area that is owned, leased or rented, or controlled by the licensee. May include “Bars, lounges, and nightclubs,” “Eating and drinking establishments,” or “Alcohol sales, on-sale, accessory only.”

**“Alcohol sales, on-sale, accessory only (land use)”** means an establishment that has all of the following characteristics:

1. Alcoholic beverages will be or are sold, served, or given away for consumption on site;
2. The establishment is applying for or has obtained a restricted license, seasonal license, or similar special purpose license (e.g., ABC License Type 51 (Club); ABC License Type 57 (Special On-Sale General); ABC License Type 60 (On-Sale Beer—Seasonal), etc.); and
3. The sale of alcoholic beverages is only accessory to a commercial recreation use. Illustrative examples include snack bars and concession stands at recreation facilities.
4. Not more than thirty (30) percent of the net floor area of the primary use is dedicated to alcohol sales/display.

**“Alcoholic beverage”** means a fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, and every other liquid or solid containing alcohol, spirits, wine or beer that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**“Alcoholic Beverage Control (ABC)”** means the California State Department of Alcoholic Beverage Control.

**“Alley”** means a public or private roadway or easement, generally not more than thirty (30) feet wide, that provides vehicle access to the rear or side of lots having other public street frontage and that is not intended for general traffic circulation.

**“Allowed use”** means a use of land identified by Part 2 of this Implementation Plan (Zoning Districts, Allowable Land Uses, and Zoning District Standards) as a permitted or conditional use that may be established subject to compliance with applicable provisions of this Implementation Plan.

**“Alteration”** means a change, addition, or modification in construction or occupancy of an existing structure.

**“Alteration, structural”** means a change or replacement in the supporting members of a structure (e.g., bearing walls, columns, beams, girders, foundations, etc.).

**“Alternative transportation modes”** means a mode of travel that serves as an alternative to the single-occupant motor vehicle (e.g., carpooling, ridesharing, vanpooling, public transit, bicycling, walking, etc.).

**“Ambulance services (land use)”** means a privately owned facility for the dispatch, storage, and minor maintenance of emergency medical care vehicles.

#### **Animal-Keeping (Land Use).**

1. **“Animal, domestic farm”** means an animal, other than a household pet, that is customarily considered to be livestock and is kept for noncommercial education or recreation purposes (e.g., fowl, goats, pigs, sheep, horses, cattle, etc.). Does not include potbellied pigs.
2. **“Animal, domestic pet”** means a type of animal that is customarily kept by humans for companionship and that lives in or near human habitation (e.g., cats, dogs, gerbils, hamsters, guinea pigs, rabbits, nonpoisonous reptiles and snakes, etc.). Includes potbellied pigs.
3. **“Animal, wild”** means an animal that is not customarily confined or cultivated by man for domestic or commercial purposes but kept for display. Includes an animal that may be imported, transported, or possessed only by first obtaining a California Department of Fish and Game Permit, as required in California Code of Regulations Title 14, Section 671 (Importation, Transportation and Possession of Live Restricted Animals).

#### **Animal Sales and Services (Land Use).**

1. **“Animal boarding/kennel”** means an establishment where more than three dogs over the age of four months, three cats over the age of four months, or three other animals are treated, conditioned, boarded, raised, or offered for sale for any form of compensation including donations by a person or entity.
2. **“Animal grooming”** means an establishment that bathes, clips, or combs animals for the purpose of enhancing their aesthetic value or health.
3. **“Animal retail sales”** means retail sales and boarding of animals offered for sale.
4. **“Veterinary service”** means an establishment where veterinarians provide medical and surgical treatment to animals and accessory boarding services.

**“Antenna”** means a device used to transmit and/or receive radio or electromagnetic waves between earth and/or satellite-based systems (e.g., reflecting discs, panels, microwave dishes, whip antennas, antennas, etc.).

1. **“Amateur radio antennas”** means an antenna that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.
2. **“Antenna structure”** means a supporting mast or tower for an antenna.

3. **“Mast”** means a pole of wood or metal used to support an amateur radio antenna and maintain it at the proper elevation.
4. **“Satellite dish antenna”** means a parabolic and/or disk-shaped antenna of either solid or mesh construction, intended for the purposes of receiving communications from an orbiting satellite, transceiving or transmitting signals or communications to a satellite, as well as supporting equipment necessary to install or mount the antenna.
5. **“Whip antenna”** means an antenna, consisting of a single, slender, rod-like element less than one wavelength long, that is supported only at or near its base.

**“Apartment”** means one or more rooms of a structure designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit, in a structure containing at least five units used for the same purpose, all under one ownership. See “Dwelling, multi-unit.”

**“Appeal Area”** means that portion of the Coastal Zone, designated in compliance with California Coastal Act Section 30603 and approved by the Coastal Commission, in which City decisions on Coastal Development Permits may be appealed to the Coastal Commission. The appeal area(s) is/are depicted on the Permit and Appeal Jurisdiction Map. See “Permit and Appeal Jurisdiction Map.”

**“Applicant”** means owner(s) or owner-authorized lessee(s) of property, or prospective owner(s)/lessee(s) who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits, or their agent(s) (see “Agent”), or who are seeking to obtain a development permit. This term includes the successor(s)-in-interest.

**“Approval in Concept”** as defined in Subsection 21.52.015, (Coastal Development Permits), a statement that a proposed development project conforms in concept to all applicable City land use and property development regulations and standards, including applicable discretionary actions, and therefore entitles an owner to apply to the Coastal Commission for a Coastal Development Permit.

**“Aquaculture”** means a form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

**“Area, net public”** means the total area used to serve customers, including customer sales and display areas, customer seating areas, service counters, and service queue and waiting areas, but excluding restrooms and offices, kitchens, storage and utility areas, and similar areas used by the employees of the establishment.

**“Artist’s studio (land use)”** means work space for artists and artisans, including individuals practicing one of the fine arts, or skilled in an applied art or craft, and producing custom-made works. Does not include handicraft industries (see “Handicraft industry”).

**“Assembly/meeting facilities, public or private (land use)”** means a facility for public or private assembly and meetings. May include incidental serving of alcoholic beverages. Illustrative examples of these uses include:

1. Banquet rooms.
2. Civic and private auditoriums.
3. Community centers.
4. Conference/convention facilities.
5. Meeting halls for clubs and other membership organizations.
6. Places of worship, including limited associated accessory uses (i.e., religious school activities that are not full-time and residences for clergy (see “Caretaker residence”), and excluding schools with regular daily sessions.
7. Sports stadiums and arenas.
8. Yacht clubs.

Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.). Does not include conference and meeting rooms that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the principal use they support. Does not include sports or other commercial entertainment facilities (see “Commercial entertainment and recreation”). Does not include funeral homes and mortuaries (see “Funerals homes and mortuaries”). Related on-site facilities including day care centers and schools are separately defined (see “Day care, general” and “Schools, public and private”).

**“ATM (automated teller machine) (land use)”** means an automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed structure.

**“Attic”** means an unfinished enclosed area that is not habitable and that is located between roof framing and the adjacent ceiling/side walls of immediately adjacent habitable rooms. Sometimes used for storage or mechanical equipment.

**“Awning”** means an ornamental roof-like cover that is attached to the side or wall of a structure and projects over a window, doorway, or pedestrian walkway for protection from the sun or weather (see “Canopy” and “Patio cover”).

## **B. “B” Definitions.**

**“Balcony”** means a platform that projects from the wall of a structure, typically above the first level; is not supported by columns or pillars; and is surrounded by a rail or parapet. See “Deck.” Bar. See “Eating and drinking establishments.”  
Basement.



1. **“Subterranean basement”** means that portion of a building located below grade, provided the finished floor above is not more than eight inches above grade at any point.
2. **“Daylight basement”** means that portion of a building that is partly below grade, but with the finished floor above more than eight inches above grade at any point. Also includes a “walkout” basement, which provides access from the basement to the outside.

**“Bay window”** means a window or series of windows that project outward from a wall of a structure forming a bay or alcove in a room within. This definition includes bow, oriel, greenhouse, and similar projecting windows.

**“Beach”** means the expanse of sand, gravel, cobble, or other loose material that extends landward from the mean low water line to the place where there is distinguishable change in physiographic beach form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

**Bed and Breakfast Inns.** See “Visitor accommodations.”

**“Bedroom”** means an enclosed space in a structure that is designed to be used for sleeping purposes; that meets the room dimension requirements of the most recent edition of the California Building Code; that is not accessed directly from the garage; and that has one or more windows.

**“Berm”** means a mound or embankment of earth. Also a nearly horizontal portion of the beach or backshore formed by the deposit of material by wave action.

**“Berth”** means any location such as a floating dock, slip, side tie, mooring and the related area (berthing area or space) adjacent to or around it, allocated to tie up and/or store a boat.

**“Best management practices (BMPs)”** means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges; and a program, technology, process, siting criteria, operational methods or measures, or engineered system that, when implemented, prevents, controls, removes, or reduces pollution. Examples of BMPs include public education and outreach, proper planning of development projects, as well as stormwater treatment and detention facilities.

**“Site Design BMP”** means any project design feature that reduces the creation or severity of potential pollutant sources or reduces the alteration of the project site’s natural flow regime. Redevelopment projects that are undertaken to remove pollutant sources (such as existing surface parking lots and other impervious surfaces) or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low-density new development) by incorporating higher densities and/or mixed land uses into the project design, are also considered Site Design BMPs.

**“Source control BMP (both structural and non-structural)”** means land use or site planning practices, or structures that aim to prevent urban runoff and stormwater pollution by reducing the potential for contamination at the source of pollution. Source Control BMPs minimize the contact between pollutants and urban runoff. Examples include roof structures over trash or material storage areas, and berms around fuel dispensing areas.

**“Treatment control BMP”** means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological or chemical process.

**“Block”** means an area of land that is bounded on all sides by streets, or by streets and a beach or bulkhead, or by streets and a cul-de-sac or by another form of termination of the street.

**“Bluff”** means a high bank or bold headland that slopes down to a body of water or a plain. A bluff may consist of a gently sloping upper area and a steeper lower area.

**“Bluff, Coastal”** means a bluff overlooking a beach or shoreline or that is subject to marine erosion. For purposes of establishing jurisdictional and permit boundaries, (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an Appeal Area.

**“Bluff edge”** means the upper termination of a bluff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step-like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landward-most position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

**“Bluff face”** means the downward gradient of a bluff surface between the bluff edge and the toe of the bluff.

**“Bluff toe”** means, for bluffs subject to marine erosion, the point at which the landward extent of the mean high water line of the sea meets the face of the bluff. For bluffs not subject to marine erosion, the point where the downward slope of the bluff face first decreases to a grade of less than thirty-three (33) percent.

**“Boarding or rooming house”** means a residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. See “Group residential.”

**Boat Rentals and Sales.** See “Marine rentals and sales.”

**Boat Storage.** See “Marine services.”

**Boat Yard.** See “Marine services.”

**“Buildable area”** means the area of a development site, excluding the minimum front, side, and rear setback areas as applied to residential properties only.

**“Breakwater”** means a structure or barrier protecting a shore area, harbor, anchorage, or basin from waves, usually constructed as a concrete or riprap (rock wall) structure.

**“Building”** means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. See “Structure.”

**“Building Code”** means Title 15 (Buildings and Construction) of the Newport Beach Municipal Code.

**“Building materials and services (land use)”** means retailing or wholesaling of building supplies or equipment (e.g., fixtures, glass, lawn and garden supplies, lumber, nursery stock, paint, tools, wallpaper, etc.) where the majority of display, sales, and storage activities occur indoors. Rental activities are incidental to the sales activities. Does not include “Contractor’s storage yards,” “Retail sales, general,” or “Wholesaling.”

**“Building site”** means a lot and/or adjoining lots that constitute a site eligible for building development under the requirements of Title 19 (Subdivision Code) of the City of Newport Beach Municipal Code and this Implementation Plan.

**Bulk Merchandise (Land Use).** See “Retail sales.”

**“Bulkhead”** means vertical walls built into and along the harbor shoreline to prevent the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a “retaining wall” on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sand beach between the bulkhead and the water and land areas.

**“Bulkhead line”** means harbor land/water perimeter lines that are established in Newport Harbor by the Federal government and for the purpose of defining the permitted limit of filling or solid structures that may be constructed in the harbor.

**“Business park”** means a development that contains a number of separate office buildings, accessory and supporting uses, and open space, all designed, planned, constructed, and maintained on an integrated and coordinated basis.

## **C. “C” Definitions.**

**“Calendar day”** means a 24-hour time period measured from midnight to midnight.

**“California Environmental Quality Act (CEQA)”** means a State law (California Public Resources Code Section 21000 et seq.).

**“Canopy”** means a roof-like cover, supported from the ground or from the floor or walls of a structure, for protection from the sun or weather. Does not include “Carport.” See “Awning” and “Patio cover.”

**“Canyon”** means a deep narrow valley with precipitous sides formed by the downward cutting of streams through resistant rock.

**“Canyon Edge”** means the upper termination of a canyon: In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a steplike feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.

**“Canyon Face”** means the downward gradient of a canyon surface between the canyon edge and base.

**“Caretaker residence (land use)”** means a permanent residence on the site of a nonresidential use. The residence is secondary or accessory to the principal nonresidential use of the site and houses a caretaker employed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, facilities, or other conditions on the site. Includes an official residence maintained by a place of worship as a benefit to the spiritual leader (e.g., imam, minister, monk, rabbi, etc.).

**“Carport”** means a structure or portion of a structure, open or enclosed by walls or doors on not more than three sides, that is designed and intended to shelter one or more parking spaces.

**Carwash.** See “Vehicle/Equipment Services (Land Use).”

**Categorical Exemption.** As defined by Section 15354 of the State CEQA Guidelines (Title 14, California Code of Regulations), an exemption from CEQA for a class of projects based on a finding by the Secretary of Resources that the class of projects does not have a significant effect on the environment.

**“Categorical Exclusion Area”** means that portion of the Coastal Zone within an exclusion area boundary adopted in compliance with the California Coastal Act (Public Resources Code Sections 30000 et seq.) and depicted on the Permit and Appeal Jurisdiction Map. See “Permit Appeal and Jurisdiction Map.”

**“Categorical Exclusion Order”** means decision issued by the California Coastal Commission in compliance with the Coastal Act (Public Resources Code Section 30610(e)), in which the Coastal Commission excludes certain categories of development from requirements to obtain coastal development permits from the Coastal Commission. A categorical exclusion order automatically terminates upon the effective date of the delegation of development review authority to a local government in compliance with California Code of Regulations Section 13249(b).

**“Catering service (land use)”** means an establishment that prepares and delivers food and beverages for off-site consumption, without facilities for on-site pick-up or consumption. See “Eating and drinking establishments.”

**“Change in the Intensity of Use of Land”** means a change in the intensity of use of land which is determined by the Director likely to result in a significant new or increased impact due to a greater level of activity, population density, traffic generation, parking demand, dust, odor, noise, or similar impacts.

**“Change of use”** means a discontinuance of a use and the substitution of a different use.

**“Channel”** means a water area in Newport Harbor designated for vessel navigation with necessary width and depth requirements, and which may be marked or otherwise designated on Federal navigation charts, as well as in other sources.

**“Charter Vessel”** means a vessel used principally for charter purposes, a “charter” being a rental agreement, generally for a period of one day or more.

**Child Day Care.** See “Day care.”

**“City”** means the City of Newport Beach.

**“City Council”** means the City of Newport Beach City Council.

**“City Manager”** means an individual designated by the City Council as City Manager, or a duly designated representative of the City Manager.

**Coastal Bluff.** See “Bluff, Coastal.”

**“Coastal access”** means the ability of the public to pass from public rights-of-way to the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, coastal bluffs, and coastal recreation areas and trails.

**“Coastal Act”** means the California Coastal Act of 1976, as amended.

**“Coastal Commission”** means the California Coastal Commission, the State agency established by State law responsible for carrying out the provisions of the California Coastal Act of 1976, as amended (Public Resources Code Sections 30000 et seq.) and for appellate review of decisions rendered by a City review authority.

**“Coastal Development Permit (CDP)”** means a permit for any development within the Coastal Zone that is required pursuant to subdivision (a) of Section 30600.

**“Coastal Development Permit, Emergency”** means an authorization by the Director to proceed with any development within the Coastal Zone which is remedial, immediate and temporary to respond to an urgent and critical situation provided that later compliance with coastal development permit requirements is assured if the development is to be permanent.

**“Coastal Land Use Plan (CLUP)”** means the certified Land Use Plan (LUP) of the Local Coastal Program of the City of Newport Beach.

**“Coastal Plan”** means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

**“Coastal View or Viewshed”** means a view to or along the ocean, bay, harbor, coastal bluff, or other scenic coastal area.

**“Coastal Zone”** means the geographic zone adjacent to the shoreline, the land and water area boundaries of which are determined by the California Coastal Act of 1976, as amended (Public Resources Code Sections 30000 et seq.).

**“Coastal-dependent Development or Use”** means any development or use which requires a site on, or adjacent to, the sea to be able to function at all (from California Public Resources Code, Section 30101).

**“Coastal-related Development or Use”** means any development or use that is dependent on a coastal-dependent development or use (from California Public Resources Code, Section 30101.3).

**“Commercial filming”** means commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.

**“Commercial recreation and entertainment (land use)”** means establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Does not include “Adult-oriented businesses” or “Bars, lounges, and nightclubs.” Illustrative examples of commercial recreation and entertainment uses include:

1. Arcades or electronic games centers having three or more coin-operated game machines.
2. Amusement parks.
3. Bowling alleys.
4. Billiard parlors.
5. Cinemas.
6. Golf courses.
7. Ice/roller skating rinks.
8. Internet cafes.
9. Miniature golf courses.
10. Pool rooms.
11. Scale-model courses.
12. Sports stadiums and arenas.
13. Tennis/racquetball courts.
14. Theaters.

**“Commission”** means the City of Newport Beach Planning Commission, referred to in this Implementation Plan as the “Commission.”

**“Common interest development”** means any of the following:

1. A community apartment project;
2. A condominium project;
3. A planned development; or
4. A stock cooperative.

**Common Open Space.** See “Open space.”

**“Communication facility (land use)”** means an establishment that provides commercial and public communications services (e.g., radio and television broadcasting and receiving stations and studios, etc.) with facilities contained entirely within structures. Does not include transmission and receiving apparatus, including antennas and towers (see “Wireless Telecommunications Facilities”).

**“Compatibility”** means the characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, volume of goods handled, and environmental effects (e.g., air pollution, glare, hazardous materials, noise, vibration, etc.).

**“Conditional use”** means a use of land allowed in a particular coastal zoning district subject to the approval of a conditional use permit.

**“Condominium”** means a form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. Includes a condominium project, community apartment project, or stock cooperative, as defined in California Civil Code Section 1351.

**“Condominium project”** means an entire lot proposed to be used or divided, as land or airspace, into two or more units as a condominium.

**“Condominium unit”** means the particular area of land or airspace that is designed, intended, or used for exclusive possession or control by individual owners or occupiers.

**“Congregate care home (land use)”** means age-segregated housing built specifically for the elderly that provides services to its residents, the minimum of which is usually an on-site meal program, but which may also include housekeeping, laundry, social activities, counseling, and transportation (sometimes referred to as “assisted living facilities”). Does not include “Convalescent facilities.”

**“Contour”** means a line on a topographic map or bathymetric (depth) chart representing points of equal elevation with relation to a datum (point or set of points). Contour lines are usually spaced into intervals for easier comprehension and utilization.

**“Contractor’s storage yards (land use)”** means indoor and/or outdoor storage facilities operated by, or on behalf of, a contractor licensed by the State of California (e.g., building contractors, landscape contractors, sign contractors, etc.) for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor’s type of business;

storage of scrap materials used for repair and maintenance of contractor's own equipment; and structures for related offices and repair activities.

**“Convalescent facility (land use)”** means an establishment that provides care on a twenty-four (24) hour basis for persons requiring regular medical attention (may also be referred to as a “nursing home” or “hospice”). Does not include facilities providing emergency medical services or surgical services (“Emergency health facilities,” “Hospitals,” or “Outpatient surgery facilities”).

**“Convenience market”** means a retail establishment that sells prepackaged food items, beverages and small convenience items (e.g., periodicals, tobacco, miscellaneous household and pharmaceutical goods, etc.) primarily for off-site consumption; that typically has late hours of operation; and that is in a relatively small structure located along heavily traveled streets. This term excludes delicatessens and other specialty food shops and establishments that carry a sizeable assortment of fresh fruits, fresh vegetables, and fresh-cut meat or fish (see “Supermarket”). Includes an establishment located within or associated with another use (e.g., service stations).

**“County”** means the County of Orange in the State of California.

**“Covered parking space”** means a parking space that is within a carport.

**“Cultural institution (land use)”** means a public or private institution that displays or preserves objects of community or cultural interest in one or more of the arts or sciences. Illustrative examples of these uses include:

1. Libraries.
2. Museums.

**“Cumulative effect”** means the effect of an individual project in combination with the effects of past projects, other current projects, and probable future projects.

**“Current”** means a flow of water in a particular direction. Such flows can be driven by wind, temperature or density differences, tidal forces, and wave energy. Currents are often classified by location, such as longshore current, surface current, or deep ocean currents. Different currents can occur in the same general area, resulting in different water flows, for example, a rip current can flow perpendicular to the shore through the surf zone, a long shore current may flow southerly, parallel to the coast and a seasonal deep water current may flow to the north.

## **D. “D” Definitions.**

**“Day”** means, unless otherwise specified, a calendar day. See “Calendar day.”

**“Day care (land use)”** means nonresidential, nonmedical care and supervision of fourteen (14) or fewer persons on a less than twenty-four (24) hour basis.

1. **Child Day Care.**



- a. “Child day care, small (eight or fewer children)” means day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of ten (10) years who reside in the dwelling count as children served by the day care facility.
- b. “Child day care, large (nine to fourteen (14) children)” means day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for nine to fourteen (14) children. Children under the age of ten (10) years who reside in the dwelling count as children served by the day care facility.
- c. Fifteen (15) or More Children. See “Day care, general” for facilities serving fifteen (15) or more children.

## 2. **Adult Day Care.**

- a. **“Adult day care, small (six or fewer adults)”** means day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for six or fewer adults.
- b. **“Adult day care, large (seven to fourteen (14) adults)”** means day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for seven to fourteen (14) adults.
- c. **Fifteen (15) or More Adults.** See “Day care, general” for facilities serving fifteen (15) or more adults.

**“Day care, general (land use)”** means an establishment that provides nonmedical care for persons on less than a twenty-four (24) hour basis, including nursery schools, preschools, and day care centers for children or adults. General day care establishments may be accessory to an industrial, commercial, or institutional use.

**“Deck”** means a platform, either freestanding or attached to a structure that is supported by pillars or posts. See “Balcony.”

**“Dedication”** means the conveyance by an owner or developer of private land for public use and the acceptance of land for public use by the governmental agency having jurisdiction over the public function for which it will be used.

**“Dedication fee, in lieu of”** means cash payments that may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot, and referred to as “in-lieu fees” or “in-lieu contributions.”

**“Deepwater areas”** means those marine or estuarine areas below extreme low water of spring tides and include estuaries and open coastal waters. See also “Estuaries” and “Open Coastal Waters.”

**“Demolition”** means the deliberate removal or destruction of the frame or foundation of a portion of a structure.

**“Density”** means the number of dwelling units per unit of land; usually density is expressed “units per acre,” or “minimum land area per unit.” Thus, the density of a development of one hundred (100) units occupying twenty (20) acres is five units per acre.

**“Density bonus”** means, as defined by Government Code Section 65915 et seq., an increase over the maximum density otherwise allowed by the applicable zoning district that is granted to the owner/developer of a housing project who agrees to construct a prescribed percentage of dwelling units that are affordable to very-low- and low-income households. See “Very low-income household” and “Low-income household.”

**Detached Structure.** See “Structure, detached” and also “Detached single-unit dwelling.”

**“Development”** means on land, in or under water, the placement or erection of solid material or a structure; discharge or disposal of dredged material or of gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of materials; change in the density or intensity of use of land, including, but not limited to, subdivision in compliance with the Subdivision Map Act (commencing with Government Code Section 66410), and another division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of a structure, including a facility of a private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting.

**“Development permit”** means authority granted by the City to use or develop a specified site for a particular purpose, as established by Part 5 of this Implementation Plan (Planning Permit Procedures).

**“Director”** means the City of Newport Beach Community Development Director or a duly designated representative of the Director, referred to as the “Director.”

**“Disaster”** means the occurrence or imminent threat of severe damage, injury, loss of life or property caused by a natural event, an act of public enemy, or accident. A disaster does not include structural damage due to corrosion, dry rot, termite infestation, deterioration due to age, or other structural damage due to ongoing exposure to natural elements that was foreseeable and preventable through reasonable due diligence.

**“Discretionary decision”** means a decision requiring the exercise of judgment, with or without deliberation, on the part of the decision-making authority in the process of approving or disapproving a particular activity, as distinguished from situations where the decision-making authority merely has to determine whether there has been conformity with fixed standards or objective measurements contained in applicable statutes, ordinances, or regulations. Examples of discretionary permits include minor use permits, conditional use permits, and limited term permits. See “Ministerial decision.”

**“Disturbed”** means a term used to identify a biological habitat that has been altered by natural or man-made events.

**“Dock”** means a structure generally linked to the shoreline to which a vessel may be secured. A dock may be fixed to the shore or fixed on pilings, or may float in the water.

**“Dormer”** means an extension projecting from the slope of a roof usually provided with its own roof and housing a window or series of windows. A dormer is located below the highest point of a roof. Examples of typical dormers include eyelid or eyebrow dormers (i.e., with an arched roof that gives it the appearance of an eyelid); gable dormers (i.e., with a gable roof); and shed dormers (i.e., with a shed roof).

**“Dory Fishing Fleet”** means the historic fleet and open-air fish market that has operated adjacent to Newport Pier since its founding by a Portuguese fisherman in 1891.

**“Drive-through facility (land use)”** means establishments that provide services accessible to persons who remain in their motor vehicles.

**“Driveway”** means a designated passageway providing vehicular access between a street and a garage or carport, a designated parking area, or other driveway or street. A driveway shall not be considered a street.

**“Drought-tolerant”** means able to remain viable during a prolonged period with less than average precipitation.

**“Dry (Boat) Storage”** means all on-land storage of vessels, including vessels normally stored in open or enclosed rack structures, on trailers, on cradles, on boat stands, or by other means.

**“Dune”** means ridges or mounds of loose, wind-blown material usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

**Duplex.** See “Dwelling, two-unit.”

**“Dwelling, multi-unit (land use)”** means a structure or development containing three or more dwelling units, each of which is for occupancy by one or more persons living as a single housekeeping unit (see “Single housekeeping unit”). Includes: triplexes (structures under one ownership with three dwelling units in the same structure), fourplexes (structures under one ownership with four dwelling units in the same structure) and apartments (five or more units under one ownership in a single structure or complex) (see “Apartment”); and common ownership, attached unit projects including condominiums (see “Condominium”). Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems. Does not include duplexes (see “Dwelling, two-unit”).

**“Dwelling, single-unit (land use)”** means a structure containing one dwelling unit located on a single lot for occupancy by one single housekeeping unit (see “Single housekeeping unit”). Also includes factory-built, modular housing units, constructed in compliance with the California

Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems.

1. “Attached single-unit dwelling” means a dwelling that is attached to another dwelling, excluding accessory dwellings. Each dwelling is owned in fee, located on an individual lot, and is joined to another dwelling along a single lot line. Each dwelling is totally separated from the other by an unpierced wall extending from ground to roof.
2. “Detached single-unit dwelling” means a dwelling that is not attached to another dwelling, excluding an accessory dwelling unit (see “Accessory dwelling unit”). The dwelling is owned in fee and is located on an individual lot.

**“Dwelling, two-unit (land use)”** means a structure(s) located on a single lot and containing two dwelling units, each of which is for occupancy by one single housekeeping unit (see “Single housekeeping unit”). Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems.

**“Dwelling unit”** means an area within a structure on a lot that:

1. Contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation and food preparation, and that has independent exterior access to ground level; or
2. Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

“Facilities for food preparation” means a room or part of a room used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall be considered as establishing a kitchen. The meaning of “kitchen” shall exclude a bar or butler’s pantry.

“Independent access” means an arrangement of dwelling units so that each dwelling unit has an entrance directly into the unit that is separate from the entrance into another unit.

**“Dwelling unit, senior accessory (land use)”** means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site zoned for a single-family dwelling. The unit is intended for the sole occupancy of one or two adult persons who are fifty-five (55) years of age or older. The floor area of the unit does not exceed six hundred forty (640) square feet.

## **E. “E” Definitions.**

**“Easement”** means a grant of one or more property rights by the property owner for use by the public or another person or entity. Examples include right-of-way easements, utility easements, or view easements. Typically easements are recorded against real property by an instrument or subdivision map. See “Right-of-way.”

**Eating and Drinking Establishments (Land Use).** See also “Alcohol sales, on-sale” and “Drive-through facilities.”

1. **“Accessory food service”** means a type of food service establishment that:
  - a. Sells food and/or beverages as an accessory use in a retail, office, or institutional structure;
  - b. Does not change the character of the principal use;
  - c. Does not sell, serve, or give away alcoholic beverages;
  - d. Does not have an entrance separate from the principal use; and
  - e. Has hours of operation that are the same as those of the principal use.
2. **“Bar, lounge, and nightclub”** means an establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premises license from the California State Department of Alcoholic Beverage Control (ABC) (i.e., ABC License Type 42 (On-Sale Beer and Wine—Public Premises), ABC License Type 48 (On-Sale General—Public Premises), and ABC License Type 61 (On-Sale Beer—Public Premises)). Persons under twenty-one (21) years of age are not allowed to enter and remain on the premises. The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.
3. **“Fast food”** means an establishment whose design or principal method of operation includes four or more of the following characteristics:
  - a. A permanent menu board is provided from which to select and order food;
  - b. A chain or franchise restaurant;
  - c. Customers pay for food before consuming it;
  - d. A self-service condiment bar and/or drink service is/are provided;
  - e. Trash receptacles are provided for self-service bussing; and
  - f. Furnishing plan indicates stationary seating arrangements.

A fast food establishment may or may not have late hour operations (see “Late hour operations”). Alcoholic beverages are not sold, served, or given away on the premises. If alcoholic beverages are sold, served, or given away on the premises, the use shall be considered a food service use. See “Food service.”
4. **“Food service, no late hours”** means an establishment that sells food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, and that has all of the following characteristics:
  - a. Establishment does not have late hour operations (see “Late hour operations”);
  - b. Customers order food and beverages from individual menus;

- c. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and
  - d. Customers pay for food and beverages after service and/or consumption.
- 5. **“Food service, late hours”** means an establishment that sells food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, and that has all of the following characteristics:
  - a. Establishment does have late hour operations (see “Late hour operations”);
  - b. Customers order food and beverages from individual menus;
  - c. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and
  - d. Customers pay for food and beverages after service and/or consumption.
- 6. **“Late hour operations”** means facilities that provide service after 11:00 p.m.
- 7. **“Outdoor dining, accessory”** means an outdoor dining area contiguous and accessory to a food service establishment.
- 8. **“Take-out service, limited”** means an establishment that sells food or beverages and that has all of the following characteristics:
  - a. Sales are primarily for off-site consumption;
  - b. Customers order and pay for food at either a counter or service window;
  - c. Incidental seating up to six seats may be provided for on-site consumption of food or beverages; and
  - d. Alcoholic beverages are not sold, served, or given away on the premises.

Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens, and similar establishments.
- 9. **“Take-out service only”** means an establishment that offers a limited variety of food or beverages and that has all of following characteristics:
  - a. Sales are for off-site consumption;
  - b. Seating is not provided for on-site consumption of food or beverages; and
  - c. Alcoholic beverages are not sold, served, or given away on the premises.

**“Economic life”** means the period of time during which a structure may reasonably be expected to perform the function for which it was designed or intended. For the purposes of this Implementation Plan, the economic life of a structure shall be seventy-five (75) years.

**“Eelgrass”** means a marine flowering plant (*Zostera marina*) that is found primarily in coastal bays and estuaries on soft substrate.

**“Emergency”** means any sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services.

**“Emergency health facility (land use)”** means establishments that provide emergency medical service (i.e., outside normal physician office hours or before a physician appointment is available) with no provision for overnight or continuing care on an inpatient basis. Also includes urgent care facilities and walk-in clinics. Does not include hospitals (see “Hospitals”).

**“Emergency shelter (land use)”** means, as defined in Health and Safety Code Section 50801(e), a facility with minimal supportive services for homeless persons.

**“Emergency work”** means work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by a natural or manmade disaster.

**“Encroachment”** means an intrusion of development on public property, on environmentally sensitive lands, or into required setback areas.

**“Energy Facility”** means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**“Enlargement of use”** means the expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area than before the expansion.

**Entertainment and Excursion Vessel.** See “Marine services.”

**“Entertainment, commercial”** means an establishment (indoors or outdoors) where entertainment is provided for a fee for the pleasure of the patrons, either independent of or in conjunction with another use.

**“Environmental assessment”** means a detailed statement that identifies the environmental effects and considerations pertaining to a project as specified in the California Environmental Quality Act, and may mean either a draft or a final EIR, or an initial study leading to a negative declaration.

**“Environmental Impact Report (EIR)”** means an informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).  
“Establishment” means a business.

**“Environmentally Sensitive Habitat Area (ESHA)”** as defined in Public Resources Code Section 30107.5, means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**“Erode”** means the gradual wearing away and removal of land surface by various agents such as waves; opposite of accrete.

**“Erosion”** means the wearing away of land by natural forces. On a beach, the carrying away of beach material by wave action, currents or the wind.

**ESHA.** See “Environmentally Sensitive Habitat Area.”

**“ESHA Buffer”** means open space that horizontally separates and protects environmentally sensitive habitat areas from development areas. Buffer areas should be contiguous with the sensitive habitat but are not in themselves a part of the environmentally sensitive habitat area to be protected.

**“Estuary”** means the region near a river mouth in which the fresh water of the river mixes with the salt water of the sea. See also “Deepwater Areas.”

**“Estimated Applied Water Use (EAWU)”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the design standards. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

**“Evaluation”** means the process by which a project's performance is determined relative to criteria developed for this purpose.

**“Evapotranspiration Adjustment Factor”** or “ETAF” for purposes of Section 21.30.085 (Water Efficient Landscaping) is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Design Standards for Implementation of the Water Efficient Landscape Ordinance. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area.

**“Exaction”** means a contribution or payment required as an authorized precondition for receiving a permit for development.

**“Explosives”** means a substance defined as an explosive by Health and Safety Code Section 12000 et seq., and for which a permit is required by the Health and Safety Code. See also “Hazardous materials.”

## **F. “F” Definitions.**

**“Factor of Safety”** means the ratio of the ultimate breaking strength of the material to the force exerted against it. In terms of slope stability analysis, the factor of safety is determined by dividing the resisting forces by the driving force. The forces resisting a potential landslide are essentially the strength of the rocks or soils making up the bluff. The forces driving a potential landslide are the weight of the rocks as projected along a potential slide surface.



**“Fair housing laws”** means the Federal Fair Housing Act, the Americans with Disabilities Act, and California’s Fair Employment and Housing Act, as each Act may be amended from time to time, and each Act’s implementing regulations.

**“Family”** means one or more persons living together as a single housekeeping unit in a dwelling unit. See “Single housekeeping unit.”

**Fast Food.** See “Eating and drinking establishments.”

**“Fault”** means a rock fracture accompanied by displacement.

**“Feasible”** means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**“Fen”** means a unique type of wetland characterized by a saturated substrate dominated by organic material in which acidic conditions (pH < 7) prevail. Contrast with a bog, which has a saturated substrate dominated by organic material in which basic conditions (pH > 7) prevail.

**“Fence”** means a structure, solid or otherwise, that is a barrier and used as a boundary or means of protection, confinement, or concealment. Does not include hedges, shrubs, trees, or other natural growth.

**“Fill”** means material (e.g., earth, clay, sand, concrete, rubble, wood chips, bark, waste, etc.), including pilings placed for the purpose of erecting structures, that is placed, stored, or dumped or in a submerged area or upon the surface of the ground resulting in an increase in the natural surface elevation.

**“Final map”** means a subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3 (Government Code Section 66410 et seq.), that is used to complete the subdivision of five or more lots. See also “Parcel map” and “Tentative map.”

**“Financial institutions and related services (land use)”** means establishments that solicit, receive, or accept money or its equivalent on deposit and loan money as a regular business. Typical examples include Federal- or State-regulated banks, savings and loan associations, savings banks, credit unions, and lending establishments, with automatic teller machines (ATMs) as an accessory use. Does not include mortgage broker, accounting, financial investment, or similar offices (“Office, business,” “Office, corporate,” or “Office, professional”).

**“Finding(s)”** means the result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity.

**“Finished floor/surface”** means the surface of a floor after the final installation or application of floor coverings or other surfacing materials.

**Finished Grade.** See “Grade, finished.”

**“First Public Road Paralleling the Sea”** means the road nearest the sea and which meets all of the following criteria:

1. The road is lawfully open and suitable for uninterrupted use by the public;
2. The road is maintained by a public agency;
3. The road contains an improved all-weather surface open to motor vehicle traffic in at least one direction;
4. The road is not subject to any restrictions on use by the public except during an emergency or for military purposes; and
5. The road connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

**“Floating Dry Dock”** means a submersible, floating structure used as a dry dock, having a floor that is submerged, slipped under a floating vessel, and then raised so as to raise the vessel entirely out of the water.

#### **Floor Area, Gross.**

##### **1. Single-Unit and Two-Unit Dwellings.**

- a. For single-unit and two-unit dwellings, the following areas shall be included in calculations of gross floor area:
  - i. The surrounding exterior walls; and
  - ii. Any interior finished portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling.
- b. The following areas shall be excluded:
  - i. Stairwells and elevator shafts above the first level.

##### **2. Multi-Unit Residential, Mixed-Use, and Nonresidential Structures.**

- a. For multi-unit residential, mixed-use, and nonresidential structures, the following areas shall be included in calculations of gross floor area:
  - i. The surrounding exterior walls; and
  - ii. Any interior finished portion of a structure that is accessible and that measures more than four feet from finished floor to ceiling.
- b. The following areas shall be excluded:
  - i. Stairwells and elevator shafts above the first level;

- ii. Outdoor dining areas associated with an eating and drinking establishment, and
- iii. Parking structures associated with an allowed use within the same development.

**“Floor area limit”** means the allowed gross floor area for a residential lot determined by multiplying the allowed buildable area of the lot times the applicable multiplier for the lot as provided in Chapter 21.18 (Residential Zoning Districts) and Tables 2-2 and 2-3.

**“Floor area, net”** means the area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts, and parking structures.

**“Floor area ratio (FAR)”** means the gross floor area allowed on a site divided by the total gross area of the site, expressed in decimals. For example, on a site with ten thousand (10,000) gross square feet of land area, a floor area ratio of 1.0 will allow a maximum of ten thousand (10,000) gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow fifteen thousand (15,000) gross square feet of floor area and an FAR of 0.5 would allow five thousand (5,000) gross square feet.

**“Food processing (land use)”** means establishments engaged in the manufacturing or processing of food or beverages for wholesale distribution.

**Food Service.** See “Eating and drinking establishments.”

**Fourplex.** See “Dwelling, multi-unit.”

**Frontage.** See “Lot frontage.”

**“Fuel modification zone”** means a strip of land where combustible native or ornamental vegetation must be modified and partially or totally replaced with drought-tolerant, fire-retardant plants.

**“Functional Capacity”** in terms of wetlands and estuaries, means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity.

**“Funeral homes and mortuaries (land use)”** means establishments engaged in the provision of service involving the care, preparation, or disposition of human dead other than in cemeteries. May or may not include crematories and/or mortuaries. No interment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary manager (see “Caretaker residence”).

## **G. “G” Definitions.**

**“Garage”** means a structure or portion of a structure, completely enclosed by walls or doors on all sides, that is designed or used to shelter one or more parking spaces. Does not include a carport (see “Carport”).

**Garage, Public.** See “Parking facility.”

**Garage Sale.** See “Personal property sales.”

**Garage, Storage.** See “Vehicle/equipment services.”

**“Gazebo”** means a detached, covered, freestanding, open-air structure designed for recreational use only and not for habitation. See “Accessory structure.”

**“General Plan”** means the City of Newport Beach General Plan, and all amendments thereto, as adopted by the City Council under the provisions of Government Code Section 65300 et seq., and referred to in this Implementation Plan as the “General Plan.”

**“Governmental facility (land use)”** means a structure owned, operated, or occupied by the City or other governmental agency to provide a governmental service to the public (e.g., City Hall, community recreation center, post office, library, etc.).

**“Grade, existing”** means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project.

**“Grade, finished”** means the surface of the ground at a stated location as it exists after completion of a project.

**“Grade, natural”** means the unaltered natural surface of the ground at a stated location.

**Granny Unit.** See “Accessory dwelling unit.”

**Greenhouse Window.** See “Bay window.”

**“Groin”** means a shoreline protection structure built, usually perpendicular to the shoreline, to trap nearshore sediment or retard erosion of the shore. A series of groins acting together to protect a section of beach is known as a groin system or groin field.

**Gross Floor Area.** See “Floor area, gross.”

**“Ground floor”** means the first floor of a structure that is at ground level or street level. Does not include a “Basement.”

**“Groundwater”** means subsurface water occupying the zone of saturation usually found in porous rock strata and soils.

**“Group residential”** means shared living quarters, occupied by two or more persons not living together as a single housekeeping unit (“Single housekeeping unit”). Includes, without limitation, boarding or rooming houses (see “Boarding or rooming house”), dormitories, fraternities, sororities, parolee-probationer homes (see “Parolee-probationer home”), and private residential clubs. Excludes residential care facilities (see “Residential care facilities”).

## H. “H” Definitions.

**“Habitable floor area”** means an area that meets the requirements of the California Building Code (CBC) for sleeping, living, cooking, or dining purposes, excluding enclosed places (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.).

**“Habitat”** means the locality, including the physical and biological environment, in which a plant or animal lives.

**“Handicraft industry (land use)”** means establishments engaged in on-site production of goods by hand involving the use of hand tools and small-scale equipment (e.g., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on site. Illustrative examples of these products include:

1. Candles.
2. Ceramics.
3. Costume novelties.
4. Jewelry.
5. Mosaics.
6. Musical instruments.
7. Needlework.
8. Pottery.
9. Quilting.
10. Small glass, metal art, and craft products.
11. Sporting and athletic goods.
12. Stained glass.
13. Toys.
14. Wood carving.

**Harbor.** See “Newport Bay.”

**“Harbor Lines”** means all established Bulkhead, Pierhead, and Project Lines as defined within Newport Harbor by the federal, state, county and city governments.

**“Harbor Resources Manager”** means the City of Newport Beach Harbor Resources Manager or a duly designated representative of the Harbor Resources Manager.

**“Hazardous materials”** means an injurious substance, including, but not limited to, pesticides, herbicides, toxic metals and chemicals, liquefied natural gas, explosives, volatile chemicals, nuclear fuels, and substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services. See also “Explosives.”

### **Health/Fitness Club (Land Use).**

1. **Small.** An indoor facility of two thousand (2,000) square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or

flexibility, and/or weight control. Examples of uses include Pilates, personal training, and yoga studios.

2. **Large.** A full service fitness center, gymnasium, or health and athletic club that is over two thousand (2,000) square feet in size and may include the following: aerobic classes and other indoor sports activities; indoor handball, racquetball, or tennis courts; locker rooms and showers; sauna, spa, or hot tub facilities; swimming pools, weight rooms; etc.

**“Hearing Officer”** means a person designated to conduct hearings as provided in Chapter 21.60 (Administrative Responsibility), referred to as the “Hearing Officer.”

**“Hedge”** means a group of shrubs or trees planted in a line or in groups forming a compact, dense barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See “Fence.”

**“Height”** means a vertical dimension established and measured in compliance with Section 21.30.060 (Height Limits and Exceptions).

#### **Heliport and Helistop (Land Use).**

1. **“Heliport”** means an area used for the landing, parking, or takeoff of helicopters including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.).
2. **“Helistop”** means a single pad used for the landing, parking, or takeoff of one helicopter and other facilities as may be required by Federal and State regulations, but not including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.).

**“Historic Resource”** means any object, building, structure, site, area, place, record, or manuscript which is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of Newport Beach and/or California and/or the United States.

**“Home occupation (land use)”** means the conduct of a business within a dwelling unit or residential site occupied by a single housekeeping unit, with the business activity being incidental and clearly accessory to the principal residential use of the property. Does not include “Residential care facilities.”.

**“Homeowner Installed Landscape”** for purposes of Section 21.30.080 (Water Efficient Landscaping) means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of Section 21.30.085, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under Section 21.30.085 to the requirements applicable to developer-installed residential landscape projects.

**“Hospital (land use)”** means an establishment that provides medical, surgical, psychiatric, or emergency medical services to sick or injured persons, on an inpatient or outpatient basis. Includes facilities for training, research, and administrative services for patients and employees. May include accessory pharmacy uses and food service uses. Does not include walk-in clinics (“Emergency health facilities”).

**Hostel.** See “Visitor accommodations.”

**Hotel.** See “Visitor accommodations.”

**“Hydric Soil”** means a type of soil with characteristics resulting from prolonged saturation and chemically reducing conditions such as occurs under anaerobic conditions.

**“Hydrology”** means the dynamic processes of the water within an environment including the sources, timing, amount, and direction of water movement.

**Hydrophytes.** (See hydrophytic vegetation).

**“Hydrophytic Vegetation”** means plants that have adapted to living in aquatic environments. These plants are also called hydrophytes. In wetlands, hydrophytic species occur where at least the root zone of the plant is seasonally or continually found in saturated or submerged soil.

## **I. “I” Definitions.**

**“Impervious surface”** means any surface or material that prevents, impedes, or slows infiltration or absorption of water directly into the ground, including buildings, asphalt, concrete, and other surfaces that do not readily absorb water.

**“In Situ”** archaeologically, means an artifact or object being found in its original, undisturbed position.

**In-Kind Mitigation.** See “Mitigation, In-Kind.”

**“Individual with a disability”** means, as more specifically defined under the Fair Housing Laws (see

**“Industry (land use)”** means establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/equipment rentals”), vehicle/equipment repair (“Vehicle/equipment repair”), vehicle/equipment sales (“Vehicle/equipment sales”), and vehicle/equipment services (“Vehicle/equipment services”).

1. **Small.** Establishments located in facilities that are five thousand (5,000) square feet or less in size.

2. **Large.** Establishments located in facilities that are over five thousand (5,000) square feet in size.
3. **Marine-Related.** Establishments primarily engaged in the manufacture of marine-related parts or products. Does not include “Boat yards” (see “Marine services”).

**“Integral facilities (land use)”** means any combination of two or more residential care (small licensed, small unlicensed, or general) facilities that may or may not be located on the same or contiguous lots, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be considered one facility for purposes of applying Federal, State, and local laws to its operation. Examples of integral facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

**“Integral uses (land use)”** means any two or more licensed or unlicensed residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying Federal, State, and local laws to its operation.

**“Intensity”** means a relative measure of development impact as defined by physical and operational characteristics (e.g., number of dwelling units per acre, amount of parking required, amount of traffic generated, etc.).

**“Intertidal”** means located between the low and high tide tidal extremes.

**Invasive.** See “Noninvasive plant.”

## **J. “J” Definitions.**

**“Jurisdiction”** means the limits or territory within which a particular power may be exercised.

## **K. “K” Definitions.**

**Kennel and Animal Boarding.** See “Animal sales and services.”

## **L. “L” Definitions**

**“Laboratory (land use)”** means an establishment that provides medical or dental laboratory services or photographic or analytical services. Other laboratories are classified under “Industry.”

**“Lagoon”** means shallow body of water, such as a pond or lake, usually located near or connected to the sea.



**“Land Use Plan (LUP)”** for LCP purposes, means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

**“Landmark structure”** means a structure constructed before December 12, 1950, and listed on the National Register of Historic Places.

**“Landmark theater”** means a structure constructed for use as a cinema or theater that has the following characteristics:

1. Constructed on or before December 12, 1950;
2. Contains a single screen or stage;
3. Designed to seat more than three hundred (300) people.

**“Landscaping”** means an area devoted to or developed and maintained with native or exotic plantings, lawn, groundcover, gardens, trees, shrubs, and other plant materials, and associated decorative outdoor landscape elements.

**“Landscape Rehabilitation Project”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means any re-landscaping project involving fifty (50) percent or more of the total landscaped area within a one-year period.

**“Landscaped Area”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means all the planting areas, turf areas, and water features (including pools, ponds, fountains, and any other water feature) in a landscape design plan which are subject to and must be included in the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, and other non-irrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation).

**LCP.** “See Local Coastal Program.”

**“Limited-Use Overnight Visitor Accommodations (LUOVA)”** means a development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of an ownership interest in a lot, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to, time share estate, interval ownership, fractional ownership, vacation license, vacation lease, club membership, time share use, hotel/condominium, or uses of a similar nature.

**“Live entertainment”** means entertainment provided by one or more live performers, including musical, theatrical, dance, cabaret, or comedy acts. For purposes of this definition, a disc jockey or a person whose performance consists of selecting or manipulating prerecorded music is considered a performer. Does not include “Adult-oriented businesses.” Does not include live, unamplified musical accompaniment to dining in a restaurant by no more than two performers, including patrons, without dancing.

1. “**Amplified**” means the increase in the degree of sound level of voices or instruments through electronic devices and equipment (e.g., amplifiers, loudspeakers, microphones, etc.).
2. “**Unamplified**” means voices or instruments without sound boosting electronic devices and equipment.

“**Live-work unit (land use)**” means a structure or spaces within structures that are used jointly for commercial and residential purposes.

“**Local Coastal Program (LCP)**” means the documents that comprise the certified City of Newport Beach Local Coastal Program, in compliance with the Coastal Act.

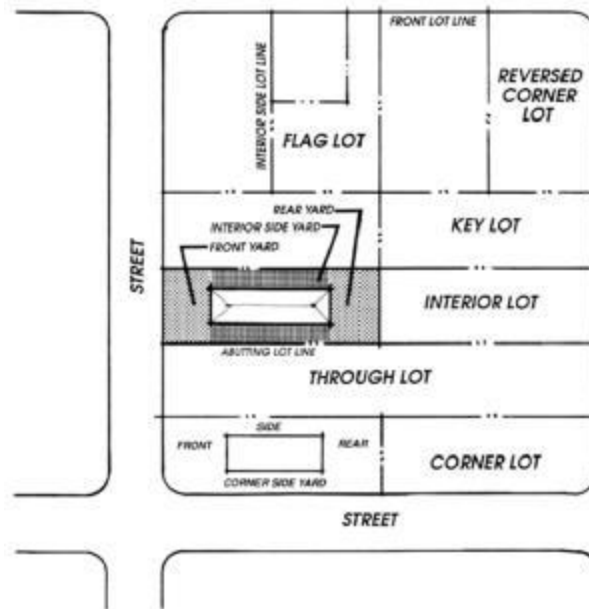
“**Longshore**” means parallel to and near the shoreline.

“**Longshore Current**” means the flow of water in the breaker zone, moving essentially parallel to the shore, usually generated by waves breaking at an angle to the shoreline.

“**Lot**” means the basic unit of land development. A designated area of land established by plat, subdivision, lot line adjustment, or as otherwise permitted by law, to be used, developed, or built upon as a unit. Typically a lot is indicated upon a final map, parcel map, lot line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder. Types of lots include the following. See Figure 7-1 (Lot Types).

1. “**Corner lot**” means a lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than one hundred thirty-five (135) degrees. If the intersection angle is more than one hundred thirty-five (135) degrees, the lot is considered an interior lot. The front lot line of a corner lot abuts the shortest street property line, unless otherwise determined by the Director.
2. “**Flag lot**” means a lot not meeting minimum lot frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting lots and that is owned in fee.
3. “**Interior lot**” means a lot abutting only one street.
4. “**Key lot**” means an interior lot, the front of which abuts the side property line of a corner lot.
5. “**Reversed corner lot**” means a corner lot, the rear of which abuts the side of another lot.
6. “**Through lot**” means a lot with frontage on two generally parallel streets. May be an interior lot having frontage on more than one street or a corner lot having frontage on more than two streets.
7. “**Waterfront lot**” means a lot with one or more lot lines abutting the waterfront of Newport Bay, the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport.

Illustration of Terms



**Figure 7-1—Lot Types**

**“Lot area”** means the total area within the exterior lines of a lot including public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

**“Lot depth”** means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line; or, for irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the horizontal distance from the midpoint of the front lot line to a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.

**“Lot frontage”** means the property line of a lot that abuts a street right-of-way.

**“Lot line”** means a recorded boundary of a lot. Types of lot lines include the following:

1. **“Front Lot Line”** means, on an interior lot, a lot line separating the lot from the street or the waterfront, if there is no street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access, or street address. Where two lot lines abutting a street are substantially the same length, the Director shall determine the location of the front lot line.
2. **“Interior lot line”** means a lot line not abutting a street or alley.
3. **“Rear lot line”** means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line and that does not intersect the front lot line. For irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the rear lot line is a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.
4. **“Side lot line”** means a lot line that is not a front or rear lot line.

**“Lot line adjustment”** means, as provided in the Subdivision Map Act (Government Code Section 66412(d)), a lot line adjustment relocates one or more lot lines between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot and where no more lots are created than originally existed.

**“Lot width”** means the horizontal distance between the side lot lines, measured at right angles to the line that defines the lot depth at a point midway between the front and rear lot lines.

**Lounge.** See “Eating and drinking establishments.”

**“Low-income household”** means a household whose income is between fifty (50) percent and eighty (80) percent of the Orange County median income (“Area median income”), adjusted for actual household size, as determined by the California Department of Housing and Community Development.

**LUOVA.** See “Limited-Use Overnight Visitor Accommodations.”

**LUP.** See “Land Use Plan.”

## **M. “M” Definitions.**

**“Maintenance and repair services (land use)”** means establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles (see “Vehicle/equipment repair”) or boats, ships, or vessels (see “Marine sales and services”).

**“Major Energy Facility”** means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy which exceeds one hundred thousand dollars in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of California Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

**“Marina (land use)”** means a commercial berthing facility (other than moorings or anchorage) in which five or more vessels are continuously wet-stored (in water) and/or dry-stored (on land/racks) for more than thirty (30) days.. See “Marina support facilities.”

**“Marina support facilities (land use)”** means an on-shore facility (e.g., administrative offices, bathrooms, laundry facilities, storage lockers, picnic areas, snack bar, etc.) that directly supports a marina.

**“Marine and wildlife preserve (land use)”** means an area of land or water, essentially unimproved, that is set aside, dedicated, designated, or reserved for protection from an activity that would significantly alter the open space or passive recreational value or ecological integrity, balance, or character. Includes wetlands, vernal pools, floodplains, riparian forests, riparian corridors, and habitat for multiple species of wildlife; preserves, and lands that are in need of being preserved for their habitat and/or open space values. Does not include parks, playgrounds,

and athletic fields for active recreational uses (“Parks and playgrounds”), or the same facilities that are privately owned, or commercial facilities (“Commercial recreation and entertainment”).

**“Marine rentals and sales (land use)”** means establishments engaged in renting, selling or providing supplies and equipment for commercial fishing, pleasure boating, or related activities.

1. **“Boat rentals and sales”** means an establishment that rents or sells vessels, including storage and incidental maintenance. See “Vessel.” Does not include “Marine services.”
2. **“Marine retail sales”** means an establishment that provides supplies and equipment for commercial fishing, pleasure boating, or related activities. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing (e.g., foul-weather gear), and marine engines. Does not include uses in which fuel for boats and ships is the primary good sold (see “Marine services”).

#### **Marine Services (Land Use).**

1. **“Boat storage”** means storage of operative or inoperative boats or ships.
2. **“Boat yard”** means construction, maintenance, or repair of boats or ships, including the sale, installation, and servicing of related equipment and parts.
3. **“Entertainment and excursion vessels”** means a vessel engaged in carrying passengers for hire for the purposes of entertainment or excursions (e.g., fishing, whale watching, diving, educational activities, harbor and coastal tours, dining/drinking, business or social special events and entertainment, etc.). See “Vessel.”
4. **“Marine service station”** means a retail establishment that sells gasoline, diesel, and alternative fuels, lubricants, parts, and accessories for vessels and other convenience items. See “Vessel.”
5. **“Water transportation service”** means an establishment that provides vessels to carry passengers for hire who are traveling to destinations within and outside of Newport Harbor. See “Vessel.”

**“Market-rate unit”** means a dwelling unit in a residential project that is not an affordable unit.

**“Massage Establishment (Land Use)”** means any business conducted within the City of Newport Beach where any person, firm, association, partnership, corporation, or combination of individuals engages in, conducts, carries on or permits to be conducted or carried on, for money or any other consideration, administration to another person of a massage, bath or health treatment involving massages or baths.

**“Massage service, accessory (land use)”** means a massage establishment that is regulated by State law and operated as an accessory use in conjunction with an approved health club, athletic club, gym, or hotel or in conjunction with a medical office or chiropractic office. For the purpose of this definition, an accessory use shall mean a use that is not more than twenty-five (25) percent of the floor area of the related health or athletic activities of the primary use. Does not include “Adult-oriented businesses.”

**“Master fee schedule”** means a resolution adopted by the City Council from time to time that sets fees for services provided by the City.

**“Maximum Applied Water Allowance (MAWA)”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means the upper limit of annual applied water for the established landscaped area based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

**“Mean High Tide Line”** means (a) The statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station; or (b) the line legally adjudicated by the California Legislature.

**“Mean high water”** means the nineteen (19) year average of the higher high water heights. For diurnal tides, high water and higher water are the same.

**“Mean low water”** means the nineteen (19) year average of all low water heights (if the tide is either semidiurnal or mixed) or the lower low water heights if the tide is diurnal. For diurnal tides, low water and lower low water are the same.

**“Mean Sea Level (MSL)”** means the 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings (see National Geodetic Vertical Datum of 1929).

**Medical Clinic (Land Use).** See “Offices, medical and dental (land use).”

**“Merger”** means the process authorized by the Subdivision Map Act to combine two or more adjacent lots into a single lot of record.

**“Ministerial decision”** means a decision involving only the use of fixed standards or objective measurements and no exercise of discretion by the public official. Examples of ministerial permits include zoning clearances or building permits. See “Discretionary decision.”

**“Mitigate”** means to ameliorate, alleviate, or avoid.

**“Mitigated negative declaration”** means the same as a negative declaration, with the addition of identified mitigation measures and a mitigation monitoring program.

**“Mitigation, In-Kind”** means a type of compensatory mitigation in which the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of the same habitat type.

**“Mitigation, Out-of-Kind”** means a type of compensatory mitigation in which the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of another habitat type.

**“Mitigation measure”** means a measure imposed on a project to ameliorate, alleviate, or avoid adverse impacts on the environment. Consistent with Section 15370 of the State Guidelines for Implementation of the California Environmental Quality Act.

**“Mobile home”** means a trailer, transportable in one or more sections; that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974; that is over eight feet in width and forty (40) feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of “Single-unit dwelling.”

**“Moderate-income household”** means a household whose income is between eighty (80) percent and one hundred twenty (120) percent of the Orange County median income (“Area median income”), adjusted for actual household size, as determined by the California Department of Housing and Community Development.

**“Monitoring”** means the systematic collection of physical, biological, or economic data or a combination of these data in order to confirm or verify compliance regarding project operation or to evaluate project performance.

**“Mooring”** means a device consisting of a floating buoy or other object that is secured to the harbor bottom by an anchor system for purposes of securing a vessel. The term “mooring” shall mean any appliance used to secure a vessel in Newport Harbor other than a pier, which is not carried aboard such vessel as regular equipment when under way.

**Motel.** See “Visitor accommodations.”

**MSL.** See “Mean Sea Level.”

**Multi-Unit Dwelling.** See “Dwelling, multi-unit.”

**“Municipal Code”** means the Municipal Code of the City of Newport Beach, as amended.

## **N. “N” Definitions.**

**“Nail salon (land use)”** means an establishment where twenty-five (25) percent or more of the work stations are used to provide manicure and/or pedicure services.

**“National Register of Historic Places”** means an official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures, and objects significant in the nation’s history or whose artistic or architectural value is unique.

**“Natural communities conservation plan (NCCP)”** means a plan for multi-species habitat conservation that is a collaboration of Federal and State resource agencies, local governments, special districts, and private property owners. The plan covers nearly thirty-eight thousand (38,000) acres in coastal Southern California. In July of 1996, the City became a signatory agency in the Orange County Central-Coastal NCCP Subregional Plan.

**NAVD 88.** See “North American Vertical Datum of 1988.”

**“Negative declaration”** means a written statement describing the reasons that a proposed project will not have a significant adverse effect on the environment and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA). See “Mitigated negative declaration.”

**Net Public Area.** See “Area, net public.”

**“New landscape installation project”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means a landscape installed in conjunction with any type of new development, whether or not the new development includes construction of new building(s). (Examples of a new development not associated with a new building could include parks, playgrounds, greenbelts.)

**“Late hour operations”** means facilities that provide service after 11:00 p.m. any day of the week.

**Newport Bay/Harbor.**

1. **Back Bay.** See “Upper Newport Bay” below.
2. **“Lower Newport Bay”** means the area of the bay southerly of the Coast Highway.
3. **“Newport Bay”** means the estuary consisting of the Lower Newport Bay and the Upper Newport Bay. The terms “Newport Bay” and “Newport Harbor” are often used interchangeably.
4. **“Newport Harbor”** means the water area within the Lower Newport Bay and within the Upper Newport Bay, exclusive of the Upper Newport Bay Marine Park. See “Newport Bay” above.
5. **“Upper Newport Bay”** means the area of the bay northerly of the Coast Highway Bridge. The terms “Upper Newport Bay” and “Back Bay” are often used interchangeably.

**“Newport Coast Local Coastal Program”** means the certified Local Coastal Program for the Newport Coast area.

**Nightclub.** See “Eating and drinking establishments.”

**“Noise”** means an undesired sound.

**“Nonconforming lot”** means a lot that was legally created before the adoption of this Implementation Plan or that legally existed at the time of annexation, and that does not conform to current code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the lot is located.

**“Nonconforming structure”** means a structure that was lawfully erected, but that does not conform to the property development regulations for the zoning district in which the structure is located by reason of adoption or amendment of this Implementation Plan or by reason of annexation of territory to the City.



**“Nonconforming use”** means a use of a structure or land that was lawfully established and maintained, but that does not conform to the use regulations for the zoning district in which it is located by reason of adoption or amendment of this Implementation Plan or by reason of annexation of territory to the City.

**“Noninvasive plant”** means a plant that does not invade a habitat to the detriment of native species.

**“North American Vertical Datum of 1988 (NAVD 88)”** means a fixed reference for elevations determined by geodetic leveling created by the National Geodetic Survey.

**“Nourishment”** means the process of replenishing or enlarging a beach. It may be brought about naturally by longshore transport or artificially by the deposition of dredged materials.

**NPDES (National Pollutant Discharge Elimination System).**

**Nursery School/Preschool.** See “Day care facilities.”

**Nursing Home.** See “Convalescent facilities.”

## **O. “O” Definitions.**

**“Off-street loading facility”** means a site, or portion of a site, devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**“Off-street parking facility”** means a site, or portion of a site, devoted to parking of motor vehicles, including parking structures, parking spaces, aisles, access drives, and landscaped areas. See “Parking facility.”

**“Offer to dedicate (OTD)”** means an offer by a landowner to grant a public access easement across their property for future public recreational use.

**“Office, business (land use)”** means an office where common business services are provided to the general public (e.g., consumer services (e.g., auto club, entertainment ticket sales, etc.), insurance, investment, real estate, tax preparation, travel, utility company offices, etc.). Typically, these uses have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment. Does not include “Financial institutions and related services,” “Office, corporate,” “Office, professional,” or “Postal services.”

**“Office, corporate (land use)”** means a use where internal administration services for large organizations (e.g., the headquarters, regional offices, or administrative offices for a corporation, etc.) are provided.

**“Office, medical and dental (land use)”** means a use where medical and/or dental services are provided. Includes facilities for the diagnosis and treatment of human patients and laboratories incidental to the office use.

**“Office, professional (land use)”** means a use where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Typically, these uses serve visitors on an appointment-only basis and walk-in traffic is minimal. Does not include “Assembly/meeting facilities,” “Financial institutions and related services,” “Office, business,” “Office, medical and dental,” or “Postal services.”

**“Offshore”** means off or away from the shore. This area extends from beyond the breaker zone to the outer limit of the littoral zone and beyond.

**“Onshore (Inshore)”** means the region between the seaward edge of the foreshore and the seaward edge of the breakers or waves.

**“Open Coastal Waters”** means the area composed of submerged lands at extreme low-water of spring tide extending seaward to the boundaries of the Exclusive Economic Zone (12-200 miles). This includes navigation channels, turning basins, vessel berthing, anchorage, and mooring areas of Newport Bay. See also “Deepwater Areas.”

**“Open space (land use)”** means a lot or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment.

1. **Common Open Space.** The land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests. Does not include enclosed spaces/facilities (e.g., community center, meeting rooms, etc.). Illustrative examples include:
  - a. Areas of scenic or natural beauty.
  - b. Barbecue areas.
  - c. Habitat areas.
  - d. Hiking, riding, or off-street bicycle trails.
  - e. Landscaped areas.
  - f. Play areas.
  - g. Swimming pools.
  - h. Tennis courts.
  - i. Turf areas.
2. **Private Open Space.** An outdoor or unenclosed area directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident through the use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.
3. **Usable Open Space.** An outdoor or unenclosed area within a residential development on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping. Parking facilities, driveways, utility or service areas, required front or street side setback areas, and sloped or submerged land do not constitute usable open space.

**Out-of-Kind Mitigation.** See Mitigation, Out-of-Kind.

**Outdoor Dining, Accessory.** See “Eating and drinking establishments.”

**“Outdoor storage and display (land use)”** means the storage of various materials outside of a building, either as an accessory or primary use.

**“Outpatient surgery facility (land use)”** means an establishment, separate from or not within a hospital, that offers planned surgical procedure(s) on an outpatient basis, with no overnight stays. See “Overnight.”

**“Overnight”** means the period between 6:00 p.m. of one day and 7:00 a.m. of the next day. See “Day.”

## **P. “P” Definitions.**

**Parcel.** See “Lot.”

**“Parcel map”** means the subdivision map described by the Subdivision Map Act, Article 3, Chapter 2 (Government Code Section 66410 et seq.), which is required to complete a subdivision of four or fewer lots. See also “Final map” and “Tentative map.”

**“Parking facility”** means an area or structure used for the parking of motor vehicles as a commercial enterprise.

**“Parking, shared”** means a public or private parking area used jointly by two or more uses.

**“Parking space”** means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

**“Parking space, enclosed”** means a parking space that is in a garage that is enclosed on four sides.

**“Parking space, tandem”** means a pair of parking spaces (i.e., two spaces) arranged one behind the other.

**“Parking structure (land use)”** means a structure that is open for public use for parking of motor vehicles; that is composed of one or more levels; and that may be totally below grade (as in an underground parking garage) or either partially or totally above grade. A fee may or may not be charged. Does not include “Garages” or “Carports.”

### **Parks and Recreational Facilities (Land Use).**

1. **“Recreation, active”** means a type of outdoor recreation or activity that requires the use of organized play areas (e.g., baseball, football, softball, and soccer fields; swimming pools; tennis and basketball courts; children’s play equipment, etc.).
2. **“Recreation, passive”** means a type of outdoor recreation or activity that can be carried out with little alteration or improvement to existing topography of a site, with the use of existing natural resources, and with a minimal impact (e.g., bicycling, hiking, jogging, walking, bird-watching, picnicking, etc.).

**Parolee-Probationer.** A parolee-probationer includes: (a) any individual who has been convicted of a Federal crime, sentenced to a United States prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer; (b) any individual who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (c) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release in the community under the supervision of a Youth Authority Parole Officer; or (d) any individual who has been convicted of a felony, sentenced to any correctional facility, including County correctional facilities, and is under the jurisdiction of any Federal, State, or County parole or probation officer. For the purposes of this definition, “felony” means a felony as defined by any California or United States statute.

**“Parolee-probationer home (land use)”** means any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses two or more parolees-probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer.

**“Patio”** means a paved outdoor area that is used for lounging, dining, etc.

**“Patio cover”** means a solid-roof or open-roof structure that covers a patio, platform, or deck area. A patio cover may be detached from, or attached to, another structure. See “Awning” and “Canopy.”

**“Permit”** means any license, certificate, approval, or other entitlement for use granted or denied by any public agency.

**“Permit and Appeal Jurisdiction Map”** means a map depicting those areas where the Coastal Commission retains permit and appeal jurisdiction.

**“Person”** means an individual, organization, partnership, limited liability company, or other business association or corporation, including a utility, and a Federal, State, local government, or special district or agency.

**“Personal property sales (land use)”** means the sale or offering for sale to the general public of miscellaneous personal property, as regulated by Section 21.48.150 (Personal Property Sales in Residential Districts). The term “personal property sales” includes “estate sales,” “garage sales,” “lawn sales,” and “yard sales.” Does not include “sidewalk sales” (see “Outdoor storage and display”).

### **Personal Services (Land Use).**

1. **General.** Establishments that provide recurrently needed services of a personal nature. Illustrative examples of these uses include:
  - a. Barber and beauty shops.
  - b. Clothing rental shops.

- c. Dry cleaning pick-up stores with limited equipment.
- d. Laundromats (self-service laundries).
- e. Locksmiths.
- f. Shoe repair shops.
- g. Tailors and seamstresses.

These uses may also include accessory retail sales of products related to the services provided.

2. **Restricted.** Personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize adverse impacts, including:

- a. Day spas.
- b. Healing arts (acupuncture, aromatherapy, etc.) with no services qualifying under "Massage establishments."
- c. Tanning salons.
- d. Tattoo services and body piercing studios.

These uses may also include accessory retail sales of products related to the services provided. "Personal storage (mini-storage) (land use)" means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces.

**"Pervious surface"** means any material or surface that permits infiltration, percolation, or absorption of water into the ground through the material or surface.

**"Pharmacy, medical supplies (land use)"** means an establishment that sells medical equipment and supplies for home health care (e.g., scales, walking aids, bathroom safety aids; skin and personal care products; braces, supports, and splints; bandages and tape; etc.).

**"Pier"** means any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to or over the water. A pier includes wharf, dock, slip or float, or any other landing facility and floating dry dock.

- a. **"Commercial Pier"** means a pier adjacent to commercially or non-residentially zoned property with single or multiple berths which are rented or leased, including any pier used in connection with marinas, charter facilities, yacht clubs, yacht sales, rental facilities and boat yards. For purposes of Chapter 21.30C, multiple piers which are adjacent to a lot or parcel of land occupied by a multifamily dwelling or dwelling units that are income generating, and structures adjacent to commercially zoned uplands that are business or income generating in nature, shall be deemed commercial.
- b. **"Noncommercial pier"** means a pier used for private recreational purposes by the owner(s), occupant(s), guest(s) or lessee(s) of the abutting residentially zoned upland property.

- c. **“Public pier”** means a pier used for public recreational purposes provided by a public agency.

**“Pierhead line”** means the harbor water area perimeter lines established in Newport Harbor by the Federal Government that define the permitted limit of fixed pier, floating dock and other in-water structures which may be constructed in the harbor. The pierhead line typically shall define the limit of pier and floating dock structures and defines the limit of construction except as otherwise approved by the City Council. Vessels may extend channelward of the pierhead line.

**“Planning Commission”** means the Newport Beach Planning Commission, referred to throughout this Implementation Plan as the “Commission.”

## **Porch.**

1. **Enclosed Porch.** (Also known as screened-in porches or three-season rooms). A platform projecting from or attached to a wall of a building that:
  - a. Has direct access to a building;
  - b. Is covered by a roof or roof-like structure;
  - c. May or may not be heated or cooled; and
  - d. Is enclosed by:
    - i. Walls;
    - ii. Permanent or removable windows or screens; or
    - iii. A combination of walls and windows/screens.
2. **Open Porch.** A platform projecting from or attached to a wall of a building that:
  - a. Has direct access to a building;
  - b. Is covered by a roof or roof-like structure;
  - c. Is not heated or cooled;
  - d. Is open to the outside air; and
  - e. Is not enclosed by:
    - i. Walls;
    - ii. Permanent or removable windows or screens; or
    - iii. A combination of walls and windows/screens.

Open porches may be partially enclosed by a railing(s) not to exceed forty-two (42) inches in height as measured from the porch floor and may include columns for the purpose of supporting the roof or roof-like structure.

**“Postal service (land use)”** means an establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

**“Predominant line of development”** means the most common or representative distance from a specified group of existing structures to a specified point or line (e.g., topographic line or geographic feature). For example, the predominant line of development for a block of existing

homes on a coastal bluff (a specified group of structures) could be determined by calculating the median distance (a representative distance) these structures are from the bluff edge (a specified line).

**“Principal structure”** means a structure in which the principal use of the lot and/or building site is conducted.

**“Principal use”** means the predominant use of a lot, building, or structure.

**“Printing and duplicating services (land use)”** means establishments that provide printing and duplicating services using blueprint, photocopy, and offset printing and similar equipment, including small-scale photo processing. Does not include photographic laboratories and industrial printing and publishing plants.

**Protective Structure.** A structure built parallel to the bluff edge, bluff toe, canyon edge, canyon toe, or shoreline (e.g., retaining wall, vertical seawall, riprap, revetment, bulkhead, etc.) for the purposes of protecting a structure or other upland property.

**“Project”** means an enterprise involving the development, structural modification, or redevelopment of commercial, industrial, mixed-use, residential, or other properties.

**“Public Access”** means the ability of the public to pass to and from the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, coastal bluffs, and coastal recreation areas and trails.

1. Vertical access: Provides public access from the first public road to the shoreline or bluff edge, or perpendicular to the shoreline or bluff edge.
2. Lateral access: An accessway for public access and use along the shoreline or bluff edge.

**“Public park and playground (land use)”** means land owned or operated by a municipality, school district, county, state, or other governmental unit and designed to serve the recreation needs of the residents of the City. Includes parks, play lots, playgrounds, athletic fields, sports courts. May also include passive outdoor recreation areas that are located in conservation areas. Does not include the same facilities that are privately owned or commercial facilities (“Commercial recreation and entertainment”).

**“Public trust lands”** means all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the public trust at any time (California Code of Regulations, Section 13577). See “Submerged lands” and “Tidelands.”

**“Public view”** means a vista of features seen from a public vantage point as identified in General Plan Figure NR 3, including bodies of water, beaches, coastline, islands, ridges, bluffs, canyons, geologic features, and landmarks. The term “view” does not mean an unobstructed panorama of these features.

**“Public Works Director”** means the City of Newport Beach Public Works Director or a duly designated representative of the Public Works Director.

## **Public Works.**

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
4. All community college facilities.

**“Public Works Project”** means any action undertaken by the City or under contract to the City to construct, alter, repair or maintain any city structure, utility or right of way including the erection of public signs, the painting or removing of street lines, parking space designations, or the painting or removing paint from curbs.

## **Q. “Q” Definitions.**

**“Queue space”** means a temporary waiting area for motor vehicles or persons obtaining a good or service.

**"Qualified Archaeologist"** means a person who has earned a minimum of a Bachelor of Science degree in archaeology or a related field from an accredited college or university and has demonstrated field experience field and analytic experience in general North American archaeology.

**“Qualified Biologist”** means a person who has earned a minimum of a Bachelor of Science degree in biology or a related field from an accredited college or university and has demonstrated field experience evaluating land use impacts on marine or wildlife species and their habitats. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers' "Reg IV" wetland delineation training, or the equivalent, and shall have the demonstrated ability to independently conduct wetland delineations.

**"Qualified Paleontologist"** means a person who has earned a minimum of a Bachelor of Science degree in paleontology or a related field from an accredited college or university and has demonstrated field experience field and analytic experience in general North American paleontology.

## **R. “R” Definitions.**

**“Recreational vehicle (RV)”** means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational, emergency, or other occupancy.



**Recreational Vehicle (RV) Park.** See “Visitor accommodations.”

**“Recycling facilities (land use)”** means a variety of facilities involved with the collection of recyclable materials. A “certified” recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

1. **“Collection facility (large)”** means a facility that occupies an area of more than three hundred fifty (350) square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.
2. **“Collection facility (small)”** means a facility that occupies an area of three hundred fifty (350) square feet or less where the public may donate, redeem, or sell recyclable materials.

**Research and Development (Land Use).**

1. **General.** Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, and medical testing and analysis.
2. **Restricted.** Research and development establishments that engage in activities that may involve the use of potentially hazardous materials, flammable substances, or chemical compound mixtures or devices; that may result in hazardous waste byproducts, conditions commonly recognized as offensive; that may involve testing on animals; or that may require special handling protocols or security measures.

**“Reference Evapotranspiration” or “ET<sub>o</sub>”** for purposes of Section 21.30.085 (Water Efficient Landscaping) means a standard measurement of environmental parameters which affect the water use of plants.

**Residential Care Facilities (Land Use).**

1. **General Licensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding the licensee, members of the licensee’s family, or persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”
2. **General Unlicensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and

in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

3. **Limited Licensed (Six or Fewer Persons).** State-licensed facilities that provide care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see “Single housekeeping unit”). Does not include “Group residential.”
4. **Small Unlicensed (Six or Fewer Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which six or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

**Restaurant.** See “Eating and drinking establishments.”

**Retail Sales (Land Use).**

1. **General.** Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public. Examples of these establishments and lines of merchandise include:
  - a. Antiques.
  - b. Appliances.
  - c. Artists’ supplies.
  - d. Automotive parts and accessories.
  - e. Bakeries (retail only).
  - f. Bicycle sales and rentals.
  - g. Books.
  - h. Cameras and photographic supplies.
  - i. Carpeting and floor covering.
  - j. Clothing and accessories.
  - k. Convenience market.
  - l. Drug and discount stores.
  - m. Electronic equipment.
  - n. Fabrics and sewing supplies.
  - o. Florists and houseplant stores (indoor sales only).
  - p. Gift shops.
  - q. Grocery store.
  - r. Handcrafted items.
  - s. Hardware.
  - t. Hobby materials.
  - u. Jewelry.
  - v. Kitchen utensils.
  - w. Locksmiths.

- x. Luggage and leather goods.
- y. Medical supplies and equipment.
- z. Musical instruments, parts and accessories.
- aa. Newsstands.
- bb. Office supplies.
- cc. Orthopedic supplies.
- dd. Paint and wallpaper.
- ee. Pharmacies.
- ff. Religious goods.
- gg. Secondhand clothing sales.
- hh. Shoe stores.
- ii. Small wares.
- jj. Specialty food and beverage.
- kk. Specialty shops.
- ll. Sporting goods and equipment.
- mm. Stationery.
- nn. Supermarket.
- oo. Tobacco.
- pp. Toys and games.
- qq. Travel services.

2. **Bulk Merchandise.** Retail establishments engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of the goods. Bulk retail is differentiated from general retail by either of the following characteristics:

- a. A high volume of sales of related and/or unrelated products in a warehouse setting (i.e., “big box” retail).
- b. The sale of goods or merchandise that require a large amount of floor space and that are warehoused and retailed at the same location.

Examples of items for sale include:

- i. Electrical and heating fixtures and supplies.
- ii. Furniture.
- iii. Groceries.
- iv. Household appliances.
- iv. Household furnishings.
- v. Household products.
- vi. Lumber.
- vii. Nursery stock.
- viii. Personal care products.

Does not include marine sales, warehousing, wholesaling, or vehicle sales.

**“Retaining wall”** means a wall used to support or retain an earth embankment or area of fill.

**“Revetment”** means a sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents.

**“Review authority”** means the individual or official City body identified by this Implementation Plan as having the responsibility and authority to review and approve or disapprove ministerial and discretionary permit applications described in this Implementation Plan. Includes the Newport Beach City Council (“Council”), the Planning Commission (“Commission”), the Hearing Officer (“Hearing Officer”), the Planning Director (“Director”), the Zoning Administrator (“Zoning Administrator”), the Planning Department (“Department”), the City Traffic Engineer, and the Public Works Director.

**“Right-of-way”** means an area of land acquired by reservation, dedication, prescription, or condemnation for public road, crosswalk, pedestrian walkway, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.

**“Riparian”** consists of trees, shrubs, or herbs that occur along watercourses or water bodies. The vegetation is adapted to flooding and soil saturation during at least a portion of its growing season.

## **S. “S” Definitions.**

**“Scenic Area”** means places on, along, within, or visible from coastal view roads, trails, beaches, and parklands that offer scenic vistas of the beach and ocean, coastline, mountains, and coastal canyons.

**“School, public and private (land use)”** means a public or private academic educational institution or school providing specialized education/training. Illustrative examples of these uses include:

1. Art school.
2. Boarding school.
3. Business, secretarial, and vocational school.
4. Community college, college, or university.
5. Computers and electronics school.
6. Culinary arts.
7. Dance school.
8. Drama school.
9. Driver education school.
10. Elementary, middle, or high schools.
11. Language school.
12. Military academy.
13. Music school.
14. Photography school.
15. Professional school (law, medicine, etc.).
16. Seminaries/religious ministry training facility.
17. Tutoring centers.

Also includes facilities that offer specialized programs in personal growth and development (i.e., arts, communications, diet centers, environmental awareness, management, etc.). Does not

include part-time religious instruction at places of worship or preschools and child day care facilities (see “Day care, general”). See “Studio—art, dance, martial arts, music, etc.”

**“School, related to medical professions (land use)”** means an establishment that provides specialized on-site training of technical medical skills (e.g., anesthesiology technician, cardiovascular technician, dental assistant, emergency medical technician, medical laboratory technician, MRI technician, optical technician, pharmacy technician, phlebotomy technician, ultrasound technician, x-ray technician, etc.).

**“Screening”** means a landscaping treatment or a decorative structure to visually conceal an area or on-site utilitarian use that is considered unattractive.

**“Sea”** means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, and creeks and excluding flood control and drainage channels.

**“Sea Level”** means the height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea-level changes.

**Sea Shell.** See Shell.

**“Seawall”** means a structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment.

**Seasonal Wetland.** See Wetland, Seasonal.

**“Second unit”** means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site. Does not include “Senior accessory dwelling unit.”

**“Security”** means bonds, cash deposits, letters of credit, and/or other instruments acceptable to the City that are used to guarantee specific performance.

**“Sediment”** means grains of soil, sand, or rock that have been transported from one location and deposited at another.

**Senior Accessory Dwelling Unit.** See “Dwelling unit, senior accessory.”

**“Senior citizen housing”** means an age-restricted multifamily residential development designed and intended to be principally occupied by senior citizens (i.e., a person sixty-two (62) years of age or older, or fifty-five (55) years of age or older in a senior citizen housing development). The development may include a congregate meals program in a common dining area. Does not include “Convalescent facility.”

**“Senior citizen housing development”** means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens (i.e., persons fifty-five (55) years of age or older) that has at least thirty-five (35) dwelling units and that conforms to Civil Code Section 51.3(b)(4).

**“Sensitive Coastal Resource Area”** means those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity. Sensitive coastal resource areas include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
2. Areas possessing significant recreational value.
3. Highly scenic areas.
4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
5. Special communities or neighborhoods that are significant visitor destination areas.
6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
7. Areas where divisions of land could substantially impair or restrict coastal access.

**“Sensitive Species”** means those plant and animal species considered threatened or endangered by the U.S. Fish and Wildlife Service and/or the California Department of Fish and Game according to Section 3 of the Federal Endangered Species Act.

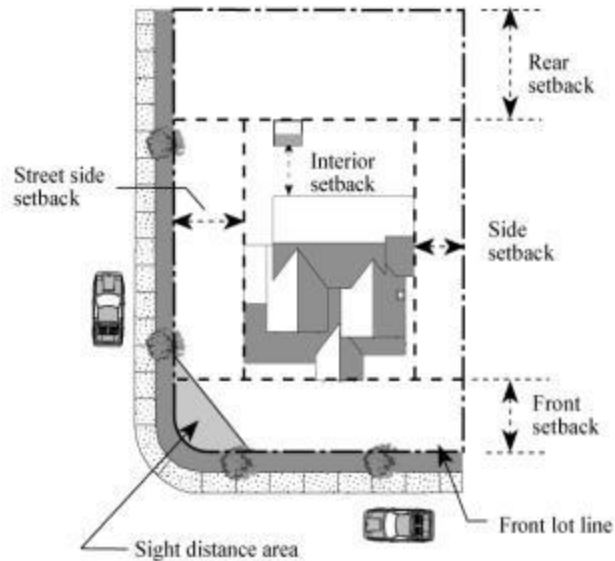
**“Endangered”** means a species in danger of extinction throughout all, or a significant portion of, its range.

**“Threatened”** means species likely to become an endangered species within the foreseeable future throughout all, or a portion of, its range.

**Service Station.** See “Vehicle/equipment services.”

**“Service station fueling space”** means a temporary parking space immediately adjacent to a fuel dispensing unit.

**“Setback”** means the distance by which a structure, parking area, or other feature must be separated from a lot line or other designated point or line. See “Setback area” and Figure 7-2 (Setbacks).



**Figure 7-2—Setbacks**

**“Setback area”** means an area within a lot that is established for the purpose of governing the location of structures on a lot. A setback area is located between a setback line and the nearest relevant parallel lot line and is unobstructed and unoccupied from the ground upward, except for encroachments allowed in compliance with Section 21.30.110 (Setback Regulations and Exceptions). See Figure 7-2 (Setbacks). See “Yard.”

1. **“Front setback area”** means an area that extends across the full width of a lot between the front lot line and the required front setback line.
2. **“Rear setback area”** means an area that extends the full width of a lot between the rear lot line and the required rear setback line.
3. **“Side setback area”** means an area that extends from a front setback line to a rear setback line between the side lot line and the required side setback line.

**“Setback line”** means, within a lot, a line established to indicate the boundary of a specified front, side, or rear setback area. A setback line may be parallel to and equidistant from a lot line (front, back, and side) or from a current or future public right-of-way, whether acquired in fee, easement, or otherwise; or may be coterminous with the lot line. See the development standards tables in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) for the minimum required horizontal distance between a lot line and a setback line. See “Lot line.”

**“Shell”** means hard rigid usually largely calcareous covering or support of an animal.

**“Shore”** means a narrow strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

**“Shore or Shoreline Protection”** means structures or sand placed at or on the shore to reduce or eliminate upland damage from wave action or flooding during storms.

**“Shoreline”** means the intersection of the sea with land; the line that delineates the shoreline on nautical charts and surveys published by the National Oceanic and Atmospheric Administration and that approximates the mean low water line from the time the chart was prepared.

**Shoreline Protective Device.** See “Protective Structure.”

**Short-Term Lodging (Land Use).** See “Visitor Accommodations (Land Use).”

**“Sign”** means any device, fixture, placard or structure, including its component parts, that draws attention to an object, product, place, activity, opinion, person, establishment, institution, organization, or place of business, or that identifies or promotes the interests of any person and that is to be viewed from any public street, road, highway, right-of-way or parking area.

1. **“Billboard”** means a permanent structure used for the display of off-site commercial messages.
2. **“Directory Sign”** means a sign listing the tenants or occupants of a building or building complex.
3. **“Freestanding Sign”** means a sign supported permanently upon the ground by a structure and not attached to a building. This includes pylon signs, blade signs, and ground-mounted signs (monument signs).
4. **“Heritage Sign”** means a sign that is designated as historically or visually significant.
5. **“Monument sign”** means a freestanding sign supported by a solid architectural element at its base.
6. **“Pole sign”** means a sign that is supported by a single pole or similar support structure so that the bottom edge of the sign is one foot or more above grade.
7. **“Pylon Sign”** means a sign that is supported by two or more uprights, poles, or braces in or upon the ground that are not a part of a building or enclosed within the exterior walls of a building and are separated from any other structures by a distance of at least six inches. This includes a sign that is supported by two or more poles that are surrounded by a decorative cover to form one solid sign support.
8. **“Residential Name or Identification Sign”** means a sign identifying the name or address of a residence and/or its occupants.
9. **“Roof Sign”** means a sign erected upon or above a roof of a building.

The following are not within the definition of “sign” for regulatory purposes of this Implementation Plan:

1. **Interior Signs.** Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof or located at least five feet from the window, provided the building or enclosed structure is otherwise legal;



2. Architectural Features. Decorative or architectural features of buildings (not including lettering, logos, trademarks, or moving parts);
3. Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts, including religious or political symbols, when these are permanently integrated into the structure or a permanent building that is otherwise legal; also includes foundation stones, corner stones and similar devices;
4. Manufacturers' Marks. Marks on tangible products that identify the maker, seller, provider or product, and that customarily remain attached to the product even after sale;
5. Fireworks and Other Lights. The legal use of fireworks, candles and artificial lighting not otherwise regulated by Section 21.30.065;
6. Newsracks or newsstands;
7. Legally required information, including public notices, registration, or licensing information, etc.;
8. Murals.

**“Single housekeeping unit”** means the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**Single-Unit Dwelling.** See “Dwellings.”

**“Site”** means a lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use.

**“Site coverage”** means the percentage of a site covered by structures and accessory structures and by decks more than thirty (30) inches in height.

**Site Design BMP.** See “Best Management Practices (BMP).”

**“Site plan”** means a drawing of a lot, drawn to scale, showing the actual measurements, the size and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other information.

**“Skylight”** means the portion of a roof that is glazed to admit daylight, including the mechanical fastening required to hold the glazing and to provide a weatherproofing barrier.

**“Slope”** means land gradient, described as the vertical rise divided by the horizontal run, and expressed in percent or ratio. Slope is determined using the following equation:  
Slope = (V/H) x 100, where:

V = vertical distance between the highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface;

H = horizontal distance of a straight line drawn perpendicular to the sloping surface.

**“Smoking lounge (land use)”** means an establishment that is dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as cigar lounges, hookah lounges, tobacco clubs, or tobacco bars. Does not include a “retail or wholesale tobacco shop,” which sells tobacco products and smoking accessories, but does not provide for on-premises use of tobacco products.

**“Solar equipment”** means a solar collector or solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

**“Solid waste”** means garbage, refuse, rubbish, or other discarded materials, including garbage with insufficient liquid content to be free flowing, generally disposed of in landfills or incinerated.

**Special Events (Land Use).** See Section 21.48.095 (Special Events).

**“Specific plan”** means, under Government Code Section 65450 et seq., a policy statement and implementation tool adopted by the City Council that addresses a single project or planning problem. A specific plan may include detailed regulations, conditions, programs, and/or proposed legislation that may be necessary or convenient for the systematic implementation of a General Plan element(s).

**Source control BMP.** See “Best Management Practices (BMP).”

**“Storm Water Pollution Prevention Plan (SWPPP)”** means a plan which identifies best management practices (BMPs) that will be used during the construction of the project to reduce the impacts to storm water quality relating to material and waste management.

**“Stream”** means a topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

**“Street”** means a public or private vehicular right-of-way (e.g., local streets, commuter roadways, arterials, etc.), but not including alleys, driveways, or off-road bikeways. See “Right-of-way.”

**“Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above and, for the top-most story, from the upper surface of the floor to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Includes “Building.”

**“Structure, attached”** means a structure that is connected to another structure by means of a wall, roof, stairway, atrium, breezeway, or other structural connection.

**“Structure, detached”** means a structure that does not have a wall or roof in common with another structure.

**“Studio—art, dance, martial arts, music, etc., (land use)”** means a small-scale instructional facility that typically accommodates one student or a group of students at a time, in no more than one instructional space. Examples of these small-scale facilities include: instruction and training in the arts, martial arts, gymnastics, etc.; photography and the processing of photographs produced only by users of the studio facilities; and production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. Larger facilities are included under the definition of “Schools, public and private.” These uses may also include accessory retail sales of products related to the services provided.

**“Subdivision”** means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in subdivision (F) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (D) of Section 1351 of the Civil Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (M) of Section 1351 of the Civil Code. [Note: Same meaning as in the Subdivision Map Act.]

**“Subdivision Map Act”** means Division 2, Title 7 of the California Government Code, commencing with Section 66410, as amended, regarding the subdivision of real property.

**“Submerged lands”** means lands that lie below the line of mean low tide (from California Code of Regulations, Section 13577). See “Public trust lands.”

**“Supermarket”** means a retail establishment that generally maintains a minimum gross floor area of ten thousand (10,000)/fifteen thousand (15,000) square feet and carries a broad range of food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, and/or fish products; frozen foods; processed and prepackaged foods, etc.). May include accessory uses (coffee kiosks, ATMs, banks, etc.). Does not include “Convenience market.”

**“Supportive housing”** means housing with no limit on length of stay, that is occupied by the target population, as defined by Section 53260(d) of the California Health and Safety Code, and that is linked to on-site or off-site services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this code.

**Surface, Finished.** See “Finished floor/surface.”

**“Sustainable development”** means a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but in the indefinite future.

**SWPPP.** See “Storm Water Pollution Prevention Plan.”

## **T. “T” Definitions.**

**Take-Out Service.** See “Eating and drinking establishments.”

**Tandem Parking Space.** See “Parking space, tandem.”

**“Temporary Structures (Land Use)”** means a limited duration structure (e.g., classroom, office, or similar portable structure, including a manufactured or mobile unit).

**“Temporary Uses (Land Use)”** means a use of limited duration (e.g., interim, nonpermanent, and/or seasonal in nature).

**“Tentative map”** means a subdivision map prepared in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) that specifies the conditions that must be satisfied and the details that must be provided before approval of a final map. See also “Final map” and “Parcel map.”

**“Terrestrial”** means land-related.

**“Tidelands”** means lands that are located between the lines of mean high tide and mean low tide (from California Code of Regulations Section 13577). See “Public trust lands.”

**Time Share Facility (Land Use).** See “Visitor accommodations.”

**“Traffic safety area”** means a triangular area as described in Section 21.30.130 (Traffic Safety Area).

**“Transportation demand management (TDM)”** means a strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses and trains, walking, and biking. TDM can be an element of transportation systems management (TSM) (see “Transportation systems management (TSM)”).

**“Transportation systems management (TSM)”** means individual actions or comprehensive plans to reduce traffic congestion by increasing the efficiency of the transportation system itself. Examples include improved traffic signal timing, coordination of multiple traffic signals, or spot improvements that increase capacity of the roadway system.

**Treatment Control BMP.** See “Best Management Practices (BMP).”

**Triplex.** See “Dwelling, multi-unit.”

**“Tsunami”** means a long period wave, or seismic sea wave, caused by an underwater disturbance (e.g., volcanic eruption, earthquake, etc.).

**“Turbidity”** means a measure of the extent to which water is stirred up or disturbed, as by sediment; opaqueness due to suspended sediment.

**“Turning Basin”** means an area, often designated on nautical charts, connected to a channel that is large enough to allow vessels to maneuver or turn around.

**Two-Unit Dwelling.** See “Dwelling, two-unit.”

## **U. “U” Definitions.**

**Unit.** See “Dwelling unit.”

**Usable Open Space.** See “Open space.”

**“Use”** means the purpose for which land or a structure is arranged, designed, intended, maintained, or occupied.

### **Utilities (Land Use).**

1. **Major.** Generating plants, electrical substations, above-ground electrical transmission lines, lone switching structures, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. The facility may have a significant effect on surrounding uses.
2. **Minor.** Utility facilities that are necessary to support legally established uses and involve only minor structures (e.g., electrical distribution lines, underground water lines, underground sewer lines, etc.).

## **V. “V” Definitions.**

### **Vehicle/Equipment Rentals (Land Use).**

1. **General.** Rental of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts. Does not include boat rentals (see “Marine rentals and sales”).
2. **Limited.** Limited to the rental of mopeds, scooters, Segways, and similar vehicles with electric power or engines less than one hundred (100) cc. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent.
3. **Office Only.** Rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles. Does not include the on-site storage of or incidental maintenance of vehicles. Does not include boat rentals (see “Marine rentals and sales”).

### **Vehicle/Equipment Repair (Land Use).**

1. **General.** Major repair of automobiles, motorcycles, recreational vehicles, or trucks. Examples of uses include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; tire sales and installation shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping. Does not include boat repair (see “Marine services”).
2. **Limited.** Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; wheel alignment and balancing. Does not include boat repair. See “Marine services.”

### **Vehicle/Equipment Sales (Land Use).**

1. **General.** Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts. Does not include boat sales (see “Marine rentals and sales”).
2. **Limited.** Limited to the sale of automobiles, including display, storage, minor maintenance, and incidental rental. Does not include maintenance and/or repair requiring pneumatic lifts. Does not include boat sales (see “Marine rentals and sales”).
3. **Vehicles Sales, Office Only.** Limited to an office for the sale of automobiles. Does not include on-site inventory, display, storage, maintenance, or repair of automobiles. May be subject to parking requirements of the Department of Motor Vehicles.

### **Vehicle/Equipment Services (Land Use).**

1. **Automobile Washing/Detailing.** Establishments engaged in the washing, waxing, or cleaning of automobiles or similar light vehicles.
  - a. **Full Service.** A car wash establishment where operating functions are performed entirely by an operator/owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator/owner.
  - b. **Self-Service or Accessory.** An establishment where washing, drying, polishing, or vacuuming of an automobile is done by the car driver or occupant.
2. **“Service station”** means an establishment engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories, including incidental minor maintenance and repair of automobiles and light trucks, vans, or similar size vehicles. Does not include body and fender work or heavy repair of trucks or other motor vehicles (see “Vehicle/Equipment Repair”).

3. **“Vehicle storage”** means storage of operative or inoperative vehicles, including tow yards (i.e., outdoor storage facilities for the temporary storage of towed vehicles), impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. Does not include vehicle/equipment repair activities (see “Vehicle/equipment repair”) or vehicle dismantling or salvage.

**“Vehicles for hire (land use)”** means a use specializing in the provision of vehicles with drivers to the general public for the purpose of transportation (e.g., taxi or limousine service). May also include business office and the maintenance, minor repair, and on-site storage of vehicles for hire. Does not include vehicle rental uses or a vehicle for hire use that is an office use only and does not include storage or maintenance of vehicles on site.

**“Vernal Pool”** means low a depression that typically are flooded and saturated above a hardpan or claypan for several weeks to a few months in the winter and spring.

**“Very low-income household”** means a household whose income is fifty (50) percent or less of the Orange County median income (“Area Median Income”), adjusted for actual household size, as determined by the California Department of Housing and Community Development.

**“Vessel”** means every type of watercraft that is used or capable of being used as a means of transportation on water. This includes all vessels of any size home-ported, launched/retrieved, or visiting in Newport Harbor, arriving by water or land, and registered or unregistered under State or Federal requirements, except a seaplane on the water.

**“Vessel”** means watercraft used or capable of being used as a means of transportation on water.

#### **Visitor Accommodations (Land Use).**

1. **“Bed and breakfast inn”** means a dwelling unit that offers guest rooms or suites for a fee for less than thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.
2. **“Campground”** means a lot upon which one or more sites are located, established, or maintained for rent as an overnight tenting or camping area for recreation or vacation purposes.
3. **“Hostel”** means Establishments offering supervised overnight sleeping accommodations, primarily for travelers who use non-motorized transportation or commercial or public transportation. Such sleeping accommodations are designed, intended to be used and are used, rented or hired out as temporary or overnight accommodations for guests in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. If kitchen or eating facilities are provided, they are communal in nature.
4. **“Hotel”** means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities

are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code Section 7280.

5. **“Motel”** means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room. A motel operates subject to taxation under Revenue and Taxation Code Section 7280.
6. **“Recreational vehicle (RV) park”** means a lot upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a rental fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
7. **“Short-term lodging”** means a dwelling unit that is rented or leased as a single housekeeping unit (see “Single housekeeping unit”) for a period of less than thirty (30) days.
8. **“Single room occupancy, residential hotels (SRO)”** means buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.
9. **“Time share project”** means a development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of an ownership interest in a lot, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to, time share estate, interval ownership, fractional ownership, vacation license, vacation lease, club membership, time share use, hotel/condominium, or uses of a similar nature See also “Limited-Use Overnight Visitor Accommodations (LUOVA).”
10. **“Time share estate”** means a right of occupancy in a time share project that is coupled with an estate in the real property.
11. **“Time share interval”** means the period or length of time of occupancy in a time share unit.
12. **“Time share unit”** means each portion of the real property or real property improvement in a project that is divided into time share intervals.
13. **“Time share use”** means a license or contractual or membership right of occupancy in a time share project that is not coupled with an estate in the real property.

**“Visitor-serving retail (land use)”** means retail establishments engaged in selling goods or merchandise to tourists and visitors. Examples of these establishments and lines of merchandise include:

1. Antiques.
2. Appliances.



3. Art galleries.
4. Artists' supplies.
5. Bakeries (retail only).
6. Bicycle sales and rentals.
7. Books.
8. Cameras and photographic supplies.
9. Clothing and accessories.
10. Convenience market.
11. Drug and discount stores.
12. Gift shops.
13. Handcrafted items.
14. Hobby materials.
15. Jewelry.
16. Luggage and leather goods.
17. Newsstands.
18. Pharmacies.
19. Specialty food and beverage.
21. Specialty shops.
21. Sporting goods and equipment.
22. Tobacco.
23. Toys and games.
24. Travel services.

## **W. “W” Definitions.**

**“Warehousing (land use)”** means establishments engaged in providing facilities for the storage of furniture, household goods, products, or other commercial goods. Includes cold storage. Does not include personal storage (mini-storage) facilities offered for rent or lease to the general public (“Personal storage—mini-storage”); or warehouse facilities in which the primary purpose of storage is for wholesaling (“Wholesaling”).

1. **Small.** Establishments located in facilities that are five thousand (5,000) square feet or less in size.
2. **Large.** Establishments located in facilities that are over five thousand (5,000) square feet in size.

**“Water Quality Management Plan (WQMP)”** means a plan which identifies best management practices (BMPs) that will be used to minimize to the maximum extent practicable dry weather runoff and runoff from small storms (less than 0.75 inch of rain falling over a 24-hour period) from the property.

**“Water Feature”** for purposes of Section 21.30.082 (Water Efficient Landscaping) means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used

solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

**Water Transportation Service.** See “Marine services.”

**Waterfront Lot.** See “Lot, waterfront.”

**“Watershed”** means the geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

**Wave:** A ridge, deformation, or undulation of the surface of a liquid. On the ocean, most waves are generated by wind and are often referred to as wind waves.

**“Wetlands”** means those areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of hydrophytes. Such wetlands can include areas where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides.

**“Wetland, Seasonal”** means an area that is wet during the rainy season and dries during the remainder of the year.

**“Wireless Telecommunication Facility”** means an installation that sends and/or receives wireless radio frequency signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated. The term does not include mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

**WQMP.** See “Water Quality Management Plan.”

## **X. “X” Definitions.**

**“Xeriscaping”** means a set of landscape design and maintenance principles and horticultural practices that promote efficient use of water. The term “xeriscape” is a registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

## **Y. “Y” Definitions.**

**“Yard”** means the area between a lot line and a principal structure. May be the same size as or larger than a required setback area. See “Setback area.”

## **Z. “Z” Definitions.**

**“Zoning Administrator”** means the Newport Beach Zoning Administrator designated to make decisions on applications as provided in Chapter 21.60 (Administrative Responsibility), referred to as the “Zoning Administrator.”

**“Zoning district”** means a residential, commercial, industrial, mixed-use, special purpose, or overlay district established by Part 2 of this Implementation Plan (Zoning Districts, Allowable Land Uses, and Zoning District Standards) within which certain land uses are allowed and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

**“Zoning district, principal”** means the zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

**Zostera marina.** See “Eelgrass.”